

vide Government of Andhra Pradesh Home (S.C.) A.) Department Notification No. G.M.S. No. 319 dated 21-10-1999, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences punishable under sections 3 and 5 of Explosive Substances Act, 1908 (Act No. 6 of 1908) in the Crime No. 336/99 dated 28-10-99 registered at Narasaraopet Police Station, Guntur District of Andhra Pradesh relating to bomb explosion which occurred on 28-8-1999 at 10 P.M. and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in course of the same transaction or arising out of the same facts.

[No. 228/79/99-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 24 नवम्बर, 1999

का.आ. 3534.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को जिनकी जांच दिल्ली विशेष पुलिस स्थापना द्वारा की जानी है, एतद्वारा विनिर्दिष्ट करती है :—

- (क) पंजाब राज्य निर्वाचन आयोग अधिनियम, 1994 (1994 का पंजाब अधिनियम संख्या 19) की धारा 124 के अन्तर्गत दण्डनीय अपराध ;

नई दिल्ली, 26 नवम्बर, 1999

का.आ. 3535.—केन्द्रीय सरकार एतद्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री सी.एस. शर्मा, अधिवक्ता, निवासी-178, अरुणोदय अपार्टमेंट्स, विकासपुरी, नई दिल्ली को संलग्न अनुसूची में उल्लिखित मामलों अथवा मुम्बई शहर और मुम्बई उप-नगरीय जिलों, जिला रायगढ़ और जिला ठाणे में किए गए अपराधों अथवा ऐसे ही मामलों के विचारण के लिए उक्त अधिनियम की धारा 9 के अधीन गठित नामनिर्दिष्ट न्यायालय, मुंबई में पूर्वोक्त अनुसूची में उल्लिखित मामलों और मुम्बई शहर तथा उसके उप-नगरों में 12 मार्च, 1993 को हुए बम-विस्फोटों से उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों से उत्पन्न मामला प्रारंभ-1(एस)/93-सीबीआई, एसटीएफ मुम्बई (कोर्ट केस सं. बीबीसी-1 ऑफ 93) के अभियोजन तथा उक्त अधिनियम के अधीन उससे संबंधित अथवा आनुषंगिक अन्य विषयों तथा पूर्वोक्त बम विस्फोटों से उद्भूत और संसक्त ऐसे क्षेत्रों में ऐसे मामलों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।
अनुसूची

क्रम सं.	स्थान	पुलिस स्टेशन तथा सी.आर. सं.	डीसीबी सी.आर. सं.
1	2	3	4
1.	स्टॉक एक्सचेंज	एम.आर.ए. मार्ग, 129/93	70/93
2.	क्या बाजार	पैधोनी, 195/93	73/93
3.	सेना भवन	दादर, 186/93	118/93
4.	सैचुरी बाजार	दादर, 187/93	117/93
5.	महिम कॉजवे	महिम, 185/93	110/93
6.	एयर इंडिया	कुफ परेड, 126/93	71/93
7.	जावेरी बाजार (एक्सप्लोडिव स्कूटर)	एल.टी. मार्ग, 122/93	75/93

(ख) उपर वर्णित अपराधों के संबंध में अथवा उनसे संसक्त प्रयत्न दुष्प्रेरण और आपराधिक षड्यंत्र अथवा वैसे ही संयोजन के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत कोई अपराध।

[सं.-228/81/99-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 24th November, 1999

S.O. 3534.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment:

- (a) Offences punishable under section 124 of the Punjab State Election Commission Act, 1994 (Punjab Act 19 of 1994);
- (b) Attempts, abetments and conspiracies in relation to or in connection with the offence mentioned above and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/79/99-AVD. II]

HARI SINGH, Under Secy.

1	2	3	4
8.	सी-रॉक होटल	बांद्रा, 148/93	114/93
9.	प्लाजा सिनेमा	माहिम, 184/93	109/93
10.	जुहू सेंटूर होटल	सांता क्रुज, 155/93	116/93
11.	एयरपोर्ट डे 54 (थ्रोइंग गच.जी.)	सहार, 200/93	108/93
12.	सेंतूर होटल (एयरपोर्ट)	एयरपोर्ट, 19/93	115/93
13.	वर्ली	वर्ली, एलएसी, 389/93	112/93
14.	नैगॉम सी.आर.एस. रोड (अनएक्सप्लोडिड स्कूटर)	मेट्टुगा, 251/93	72/93
15.	धनजी स्ट्रीट एंड जावेरी बाजार (2 अन-एक्सप्लोडिड स्कूटर)	एल.टी. मार्ग, 124/93	111/93
16.	म्हसला	म्हसला, 6/93	132/93
17.	श्रीवर्धन	श्रीवर्धन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	ठाणे	कपूरबाड़ी, 14/93	135/93
20.	एस.के. मेमन स्ट्रीट	एल.टी. मार्ग, 138/93	77/93
21.	ईस्टर्न साईड लैवेटरी आफ मुसाफिरखाना, मुम्बई	एल.ए.सी.	15/93
22.	नरियालवाडी मुस्लिम सीमेंट्री, मन्नगांव	एल.ए.सी.	18/93
23.	पिकनिक गेस्ट हाऊस, निकट लीडो थियेटर, सांता क्रुज (वेस्ट)	एल.ए.सी.	20/93
24.	58, नरगिस बस रोड, पाली हिल्स, बांद्रा (वेस्ट), मुम्बई-50	एल.ए.सी.	21/93
25.	बोना पार्ट इंडस्ट्रीज, धनश्याम इंडस्ट्रीज एस्टेट, बीरा वेसाई रोड अंधेरी	एल.ए. सी.	23/93
26.	खाटीजाबी चौल, आर नं-1, सोनापुर लेन, कुर्ला (वेस्ट)	कुर्ला एल.ए.सी. 707/93	32/93
27.	ड्रीमलैंड कॉण्ट, हाऊसिंग सोसायटी मिलीट्री रोड मैरोल, मुम्बई	एल.ए.सी.	22/93

[सं. 225/16/98-ए.वी.डी.-II)]

हरि सिंह, अवर सचिव

New Delhi, the 26th November, 1999

S.O. 3535.—In exercise of the powers conferred by Sub-Section (1) of Section 13 of the Terrorist and Disruptive Activities Prevention Act, 1987, (Act. No. 28 of 1987), the Central Government hereby appoints Sh. C.S. Sharma, Advocate, R/o 178, Arunodaya Apartments, Vikas Puri, New Delhi as Special Public Prosecutor for conducting prosecution of the case RC 1(S)/93/CBI/STF Bombay (Court Case No. BBC 1 of 93) arising of the cases mentioned in the schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb Blasts which occurred on 12th March, 1993 at Bombay City and suburbs, and other matters connected therewith or incidental thereto under the said Act, in the Designated Court at Bombay constituted u/s 9 of the said Act to try offences or such cases committed at Bombay City and Bombay suburban Districts, Raigad District and Thane Distt. as mentioned in the said schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

SCHEDULE

Sl. No.	Place	Police Station and CR. No.	DCB Cr. No.
1.	Stock Exchange	M.R.A. Marg, 129/93	70/93
2.	Katha Bazar	Pydhonie, 195/93	73/93
3.	Sena Bhawan	Dadar, 186/93	118/93
4.	Century Bazar	Dadar, 187/93	117/93
5.	Mahim Causeway	Mahim, 185/93	110/93
6.	Air-India	Cuffe Parade 126/93	71/93
7.	Zaveri Bazar (exploded Scooter)	LT Marg, 122/93	75/93
8.	Sea-Rock Hotel	Bandra 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Centaur Hotel	Santacruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Airport)	Airport, 19/93	115/93
13.	Worli	Worli. LAC 389/93	112/93
14.	Na-igam C.R.S. Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zaveri Bazar (2 unexploded Scooter)	L.T. Marg, 124/93	111/93
16.	Mhasla	Mhasla, 6/93	132/93
17.	Srivaradhan	Shrivardhan, 14/93	133/93
18.	Goregaon	Goregaon, 17/93	134/93
19.	Thane	Kapuzbawdi, 14/93	135/93
20.	S.K. Memon Street	L.T. Marg, 138/93	77/93
21.	Eastern Side Lavatory of Mussfir Khana, Bombay	LAC	15/93
22.	Nariyal Wadi, Muslim Cementary, Mazagaon	LAC	18/93
23.	Picnic Guest House Near Lido Theatre, Santacruz (W)	LAC	20/93
24.	58, Nargis Dutta Rd. Pali Hill, Bandra (W) Bombay-50	LAC	21/93
25.	Bona Parte Ind., Ghanshyam Indl. Est. Vira Desai Rd., Andheri	LAC	23/93
26.	Khatijabi Chawl R.No. 1 Sonapur Lane Kurla (W) Kurla	LAC 707/93	32/93
27.	Dreamland Co. Op. Hsg. Sct. Military Rd. Marol Bombay	LAC	22/93

[No. 225/16/98-AVD-II]

HARI SINGH, Under Secy.

नई दिल्ली, 26 नवम्बर, 1999

का.आ. 3536:—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ-पठित धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, पंजाब सरकार द्वारा दिनांक 11 जून, 1999 की अधिसूचना संख्या 1/23/98-1-एच.आर./1532 द्वारा दी गई सहमति से भारतीय दंड संहिता की धारा 302, 148, 149 तथा सशस्त्र अधिनियम की धारा 27/54/59 के अधीन श्री कश्मीरा सिंह की

हत्या संबंधी पुलिस स्टेशन सदर होशियारपुर (पंजाब) में दिनांक 14/15-3-1997 को वायर प्रथम सूचना रिपोर्ट संख्या 53 तथा उपर्युक्त अपराधों के संबंध में भयंका उनसे संबंधित किसी अन्य अपराध प्रयत्न, वृत्ति तथा षडयंत्र की जांच के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों तथा अधिकारिता को एतद्वारा विस्तार सम्पूर्ण पंजाब राज्य के संबंध में करती है।

[संख्या 228/32/99-ए.वी.डी.-II]

हरि सिंह, एवर सचिव

New Delhi, the 26th November, 1999

S.O. 3536.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Punjab vide Notification No. 1/23/99-1-HR/1532 dated 11th June 1999 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Punjab for investigation of case FIR No. 53 dated 14/15-3-1997 under section 302, 148, 149 I.P.C. and section 27/54/59 Arms Act, registered at Police Station, Sadar, Hoshiarpur (Punjab) relating to murder of Sh. Kashmira Singh and any other offence, attempt, abetment and conspiracy in relation to or in connection with the aforementioned offences.

[No. 228/32/99-AVD. II]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय)

मद्रास, 18 नवम्बर 1999

सं. 8/99-सीमा शुल्क (एन.टी.)

का.आ. 3537.—सीमा शुल्क अधिनियम 1962, धारा 9 जो भारत सरकार वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी.) दिनांक 1/7/94 के साथ पठित, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा तमिलनाडु राज्य के तिरुनेलवेली जिला, राधापुरम तालुका के "करैचुत्तु पुदूर" गांव को सीमा शुल्क अधिनियम 1962 (1962 का 52) के अधीन शत प्रतिशत निर्यातिन्मुख उपक्रम स्थापित करने हेतु भांडागार घोषित करता हूँ।

[फाई. सी.सं. IV/16/99/99-टी.1]

के. परशुरामन, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE)

Madurai, the 18th November, 1999

[No. 8/99-CUSTOMS (N.T.)]

S.O. 3537.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962), read with Notification No. 33/94-Customs (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare "KARAICHUTHU PUDUR Village", "Radhapuram Taluk, Tirunelveli District in the State of Tamilnadu to be a warehousing station

under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100% Export Oriented Undertaking.

[No. F. C. No. IV/16/95/99-T.I]

K. PARASURAMAN, Commissioner

मद्रास, 18 नवम्बर, 1999

सं. 9/99-सीमा शुल्क (एन.टी.)

का.आ. 3538.—सीमा शुल्क अधिनियम, 1962, धारा 9 जो भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी.) दिनांक 1/7/94 के साथ पठित द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा तमिलनाडु राज्य के तूत्थुकुडी जिला, तूत्थुकुडी तालुका के "मुल्लकाडू गांव" को सीमा शुल्क अधिनियम 1962 (1962 का 52) के अधीन शत प्रतिशत निर्यातिन्मुख उपक्रम स्थापित करने हेतु भांडागार घोषित करता हूँ।

[फाई. : 4/16/122/99-टी.1]

के. परशुरामन, आयुक्त

Madurai, the 18th November, 1999

No. 9/99-CUSTOMS (N.T.)

S.O. 3538.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94-Customs (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare "MULLAKADU VILLAGE THOOTHUKKUDI DISTRICT" in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100% Export Oriented Undertaking.

[F. C. No. IV/16/122/99-T. I]

K. PARASURAMAN, Commissioner

मद्रास, 18 नवम्बर, 1999

सं. 10/99-सीमा शुल्क (एम.टी.)

का.आ. 3539.—सीमा शुल्क अधिनियम 1962, धारा 9 जो भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 31/94-सीमा शुल्क (एन.टी.) दिनांक 1/7/94 के साथ पठित द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा तमिलनाडु राज्य के दिण्डुक्कल जिला निलकोट्टे तालुका के "पूचमलैयान कोट्टे गांव" को सीमा शुल्क अधिनियम 1962 (1962 का 52) के अधीन शत प्रतिशत निर्यातिन्मुख उपक्रम स्थापित करने हेतु भांडागार घोषित करता हूँ।

[फा. सं. 4/16/123/99-टी.1]

के. परशुरामन, आयुक्त

Madurai, the 18th November, 1999

No. 10/99-CUSTOMS (N.T.)

S.O. 3539.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94-Customs (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare "PACHAMALAYAN KOTTAI VILLAGE, NILAKKOTTAI TALUK, DINDIGUL DISTRICT" in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100% Export Oriented Undertaking.

[F. C. No. IV/16/123/99-T.I.]

K. PARASURAMAN, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 29 नवम्बर, 1999

का.भा. 3540.—यह आम सूचना के लिए अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा नीचे पैरा 3 में उल्लिखित उद्यमों/औद्योगिक उपक्रमों को आयकर नियमावली, 1962 के नियम 2इ के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000, 2000-2001 तथा 2001-2002 के लिए अनुमोदित किया गया है।

2. यह अनुमोदन निम्नलिखित शर्तों के अधीन है:—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2इ के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनकी अनुपालना करेगा।
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम;
 - (क) अवसरचलात्मक सुविधा को जारी नहीं रखता है;
 - (ख) लेखा-बहियों का रख-रखाव नहीं करता है और ऐसी बहियों की आयकर नियमावली 1962 के नियम 2इ के उपनियम (7) द्वारा अपेक्षानुसार लेखाकार द्वारा लेखा परीक्षा नहीं करवाता है; अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2इ के उपनियम (7) द्वारा अपेक्षानुसार लेखापरीक्षण रिपोर्ट प्रस्तुत नहीं करता है;

3. अनुमोदित उद्यम/औद्योगिक उपक्रम हैं:

- (i) मैसर्स कर्नाटक पावर कारपोरेशन लिमिटेड, शक्ति भवन नं. 82, रैसकोस रोड बंगलूर-560001 का भद्रा राइट बैंक कैनल पावर हाउस (1 × 6 एम डब्ल्यू), सरस्वती (गुरुसोप्पा) टैल रैस प्रोजेक्ट (4 × 60 एम डब्ल्यू) तथा कोडसल्ली डैम

पावर हाउस (3 + 40 एम डब्ल्यू) का.सं. 205/5/7 98-भा.क.नि.-II)

- (ii) निदेशक (टी एम-1) दूरसंचार विभाग के माध्यम से कार्यरत भारत के राष्ट्रपति तथा मैसर्स स्टेलिंग सेलुलर लिमिटेड के बीच लाइसेंस करार संख्या 842-22/93 टी एम दिनांक 30-11-94 के तहत मैसर्स स्टेलिंग सेलुलर लिमिटेड सी-48 श्रोखला औद्योगिक क्षेत्र, फेज-II, नई दिल्ली की सेलुलर मोबाइल टेलीफोन सेवा।
(का.सं. 20/15/98-भा.क.नि. II)

- (iii) भारतीय राष्ट्रीय राजमार्ग प्राधिकरण तथा मुरादाबाद टॉल रोड कम्पनी लि. के मध्य दिनांक 22-2-99 के रियायत करार के अनुसार मैसर्स मुरादाबाद टॉल रोड कम्पनी लि. 1, ईस्टर्न एवेन्यू महारानी बाग नई दिल्ली-65 द्वारा उत्तर प्रदेश में एन एच-24 में मुरादाबाद में उपमार्ग का निर्माण अनुरक्षण तथा प्रचालन।

[अधिसूचना सं. 11149/का.सं. 205/7/98-आई.टी. 2-II एवं अन्य]

कमलेश सी. दाक्षीण, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 29th November, 1999

S.O. 3540.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 1999-2000, 2000-2001 and 2001-2002.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962,
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or
 - (c) fails to furnish the audit report, as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962

3. The enterprises/industrial undertakings approved are :

- (i) Bhadra Right Bank Casual Power House (IX6MW), Sharavathi (Gerusoppa) Tail Race Project (4x60MW) and Kodasalli

Dant Power House (3×40 MW) of M/s. Karnataka Power Corporation Ltd., Shakti Bhawan, No. 82, Race Course Road, Bangalore-560 001. (F. No. 205/7/98-ITA-II).

(ii) Cellular Mobile Telephone Service in Delhi of M/s. Sterling Cellular Limited, C-48, Okhla Industrial Area, Phase-II, New Delhi-110020, under the license agreement No. 842-22/93-TM dated 30-11-94 between President of India, acting through Director (TM-I), Department of Telecommunication and M/s. Sterling Cellular Limited, (F. No. 205/15/98-ITA-II).

(iii) Construction, maintenance and operation of Moradabad Bypass in NH-24 in Uttar Pradesh by M/s. Moradabad Toll Road Company Ltd., 1, Eastern Avenue, Maharani Bagh, New Delhi-110 065, as per the concession agreement dated 22-2-99 between National Highway Authority of India and Moradabad Toll Road Company Ltd. (F. No. 205/149/99-ITA-II).

[Notification No. 11149/F. No. 205/7/98-ITA-II and Others]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 29 नवम्बर, 1999

(आयकर)

का.आ. 3541.—यह आम सूचना के लिए अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा उल्लिखित संगठनों को निम्नलिखित शर्तों के अधीन श्रेणी "संस्थान" के अन्तर्गत आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ उनके नामों के सामने उल्लिखित अवधि के लिए अनुमोदित किया है :—

(i) अधिसूचित संस्थान अपने अनुसंधान कार्यकलापों के लिए अलग से लेखा पुस्तिकाएं रखेंगे।

(ii) अधिसूचित संस्थान प्रत्येक वित्त वर्ष के लिए प्रत्येक वर्ष 31 मई को अथवा इससे पहले अपने वैज्ञानिक अनुसंधान कार्यकलापों का वार्षिक व्यौरा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग "प्रायोगिकी भवन" न्यू महारौली रोड, नई दिल्ली-110016 को प्रस्तुत करेंगे।

(iii) अधिसूचित संस्थान पद नामित कर निर्धारण अधिकारी को आयकर विवरणी प्रस्तुत करने के अलावा, केन्द्र सरकार की ओर से अपनी लेखा परीक्षित वार्षिक लेखाओं की प्रतिलिपि और अपने अनुसंधान कार्यकलापों के संबंध में लेखापरीक्षित आय और व्यय लेखा की प्रतिलिपि जिनके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत

छूट की स्वीकृति प्रदान की गई थी, (क) आयकर महानिदेशक (छूट) 10, मिडिलटन रो, पांचवीं मंजिल, कलकत्ता 700071, (ख) सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में ये संगठन आते हैं, को प्रस्तुत करेंगे।

क्र. सं. अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
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1. सेन्टर फॉर वूमन डेवलेपमेंट स्टडीज 25, भाई वीर सिंह मार्ग (गोल मार्किट) नई दिल्ली-110001 (फा. सं. 203/25/99-आईटीए II)	1-4-99 से 31-3-2001
2. एम. एस. चेलामुथु ट्रस्ट एवं अनुसंधान फाउण्डेशन, 643, के. के. नगर, मदुराई-625020 (फा. सं. 203/26/99-आईटीए II)	1-4-99 से 31-3-2000

टिप्पणी :—अधिसूचित संस्थाओं को यह सलाह दी जाती है कि वे अनुमोदन के नवीकरण हेतु तीन प्रतियों में और पहले ही अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त/आयकर महानिदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 11150/फा. सं. 205/7/98-आई टी ए-II एवं अन्य]

कमलेश सी. वार्णोय, अवर सचिव

New Delhi, the 29th November, 1999

(INCOME-TAX)

S.O. 3541.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962, under the category "Institution" subject to the following conditions :—

- The notified Institution shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research-activities to the Secretary, Department of Science

tific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer

S.No.	Name of the organisation approved	Period for which Notification is effective
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| 1. | Centre for Women Development Studies 25, Bhai Vir Singh Marg, (Ghal Market) New Delhi-110001 (F. No. 203/25/98-ITA II) | 1-4-99 to 31-3-2001 |
| 2. | M.S. Chellamuthu Trust & Reserach Foundation 643, K. K. Nagar Madurai 625020 (F. No. 203/5/99-ITA-II) | 1-4-99 to 31-3-2000 |

Notes : The notified Institutions are advised to apply in triplicates and well in advance for further extension of the approval, to the Central Government through the Commissioner of Income tax|Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for extension of approval shall be sent directly to the Secretary, Department of Science and Industrial Research.

[Notification No. 11150/F. No. 205/7/98-ITA II & Others]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 30 नवम्बर, 1999

का. प्रा. 3542.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार ने कर निर्धारण वर्ष 1999-2000 के लिए मैसर्स रिस्क कैपिटल एण्ड टेक्नोलॉजी फाइनेंस कारपोरेशन लि., नई दिल्ली को आयकर अधिनियम, 1961 की धारा 36 (1) (viii) के प्रयोजनार्थ देश में औद्योगिक एवं अवसंरचनात्मक विकास हेतु दीर्घकालिक वित्त प्रदान करने में जगे एक भिन्न के रूप में अनुमोदित किया है।

2. यह अनुमोदन हम जर्त के अधीन है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36 (1) (8) के प्रावधानों के अनुकूल होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 11153/फा. सं. 204/38/95-आ. क.सि.-II]

के. सी. वाण्य, अवर सचिव

New Delhi, the 30th November, 1999

S.O. 3542.—It is notified for general information that M/s. Risk Capital and Technology Finance Corporation Ltd. New Delhi, has been approved by the Central Government as a Corporation engaged for providing long term finance for industrial and infrastructure development in the country for the purposes of Section 36(1)(viii) of the Income tax Act, 1961, for the assessment year 1999-2000.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 11153/F. No. 204/38/95-ITA-II] KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 30 नवम्बर, 1999

(आयकर)

का. प्रा. 3543.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनार्थ नीचे उल्लिखित संगठनों को उनके नाम के सामने उल्लिखित श्रेणियों के अन्तर्गत निम्नलिखित शर्तों के अध्वधीन अनुमोदित करती है :—

(i) अधिसूचित संस्था अपनी अनुसंधान गतिविधियों के लिए अलग लेखा बही रखेगी;

(ii) अधिसूचित संस्था हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;

(iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामित कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष

31 अगस्त को अथवा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडलटन पॉ, 5 वां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रस्तुत करेगी।

क्रमांक	अनुमोदित संगठन का नाम	अवधि जिगके लिए अधिसूचना लागू है।
1.	एस. सी. आई. टेक सेन्टर, जालामल हाऊस, नारीमन प्वाइंट, मुंबई-400021। [फा. सं. 203/36/99-आई. टी. ए. II]	1-4-99 से 31-3-2001 तक
2.	इण्डियन बर्नस रिसर्च सोसाइटी, श्री छत्रपति शिवाजी महाराज भवन, तृतीय तल, पलटन रोड, मुंबई-400001। [फा. सं. 203/5/98-आ. क. नि. II]	1-4-99 से 31-3-2000 तक
3.	एफ. आई. ई. रिसर्च इन्स्टीट्यूट, गंगानगर, आइचलकरंजी, महाराष्ट्र-116116। [फा. सं. 203/31/99-आ. क. नि. II]	1-4-99 से 31-3-2001 तक
4.	ओ. एन. जी. सी., स्कलवरसर बायरलाइन, रिसर्च सेन्टर, मार्फत तेल और प्राकृतिक गैस निगम लि., जीवन भारती टावर-II, 124, कनाट सर्कल, नई दिल्ली-110001। [फा. सं. 203/39/99-आ. क. नि. II]	1-4-99 से 31-2-2002 तक
5.	आई रिसर्च फाउंडेशन, विजय अस्पताल, 180, एन. एस. के., सलाय, बडपानानी, चेन्नई-600026। [फा. सं. 203/19/99-आ. क. नि. II]	1-4-99 से 31-3-2002 तक

टिप्पणी :—अधिसूचित संस्थाओं को यह सलाह दी जाती है कि वे अनुमोदन के नवीकरण हेतु तीन प्रतियों में और पहले ही अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त/आयकर महानिदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 11154/फा. सं. 204/38/95-आईटीए-II एवं अन्य]

कमलेश सी. वाण्येय, अवर सचिव

New Delhi, the 30th November, 1999

(INCOME-TAX)

S.O. 3543.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962, under the category, "Association" subject to the following conditions :—

- The notified Association shall maintain separate books of accounts for its research activities;
- The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S.No.	Name of organisation approved	Period for which Notification is effective
1.	SCITECH Centre, Dalma House, Nariman Point, Mumbai-400021. [F. No. 203/38/99-ITA-II]	1-4-99 to 31-3-2000
2.	Indian Burns Research Society, Shree Chatrapati Shivaji Mahasaj Bld., 3rd floor, Palton Road, Mumbai-400001 [F. No. 203/5/98-ITA-II]	1-4-99 to 31-3-2000
3.	FIE Research Institute Ganga-nagar, Ichalkaranji, Maharashtra-416116 [F. No. 203/31/99-ITA-II]	1-4-99 to 31-3-2001
4.	ONGC Schlumberger Wire-line Reserach Centre, C/o Oil & Natural Gas Corporation Ltd., Jeevan Bharti,	1-4-99 to 31-3-2002

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	Tower-II, 124 Connaught Circus, New Delhi- 110001 [F.No. 203/39/99-ITA-II]	
5.	Eye Reserach Foundation Vijaya Hospital 180, N.S.K. Salai, Vadapalani, Chennai- 600026 [F.No. 203/19/99-ITA-II]	1-4-99 to 31-2-2002

Notes : The notified Associations are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax, Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No 11154/F. No. 204/38/95-ITA-II and others]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1999

(आयकर)

का.आ. 3544—यह आम सूचना के लिए अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा नीचे उल्लिखित संगठन को निम्नलिखित शर्तों के अधीन श्रेणी "विश्व-विद्यालय" के अन्तर्गत आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ उनके नाम के सामने उल्लिखित अवधि के लिए अनुमोदन किया है :—

- (i) अधिसूचित विश्वविद्यालय अपने अनुसंधान कार्य-कलापों के लिए अलग से लेखा पुस्तिकाएं रखेगा;
- (ii) अधिसूचित विश्वविद्यालय प्रत्येक वित्त वर्ष के लिए प्रत्येक वर्ष 31 मई को अथवा इससे पहले अपने वैज्ञानिक अनुसंधान कार्यकलापों का वार्षिक ब्यौरा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (iii) अधिसूचित विश्वविद्यालय पदनामित कर निर्धारण अधिकारी को आयकर विवरणी प्रस्तुत करने के अलावा, केन्द्र सरकार की ओर से अपनी लेखा परीक्षित

वार्षिक लेखाओं की प्रतिलिपि और अपने अनु-संधान कार्यकलापों के संबंध में लेखा परीक्षित आय और व्यय लेखा की प्रतिलिपि जिनके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट की स्वीकृति प्रदान की गई थी, (क) आयकर महानिदेशक (छूट) 10, मिडिलटन रो, पांचवीं मंजिल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्र-धिकार में संगठन आते हैं, को प्रस्तुत करेगा।

क्रम अनुमोदित संगठन का नाम सं.	अवधि जिसके लिए अधिसूचना प्रभावी है
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| 1. गुजरात आयुर्वेद विश्वविद्यालय, पी.बी. सं. 4, जामनगर-361008 | 1-4-99 से 31-3-2001 |
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टिप्पणी :—अधिसूचित संस्थाओं को यह सलाह दी जाती है कि वे अनुमोदन के नवीकरण हेतु तीन प्रतियों में और पहले ही अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त/महानिदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन-पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 11955/फा. सं. 203/33/99-आयकर नि.-II]

कमलेश सी. वाष्णोय, अवसर सचिव

New Delhi, the 1st December, 1999

(INCOME-TAX)

S.O. 3544.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962, under the category "University" subject to the following conditions :

- (i) The notified University shall maintain separate books of accounts for its research activities;

- (ii) The notified "University" shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure, Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of income tax to the designated assessing Officer.

S. No.	Name of the Organisation approved	Period for which Notification is effective
1.	Gujarat Ayurved University Jamnagar-361008	P.B. No. 4 1-4-99 to 31-3-2001

Notes : The notified University is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 11155/F. No. 203/33/99-ITA-II]

KAMLES: H C. VARSHNEY, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1999

(आयकर)

का.आ. 3545:—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ नीचे उल्लिखित संगठनों को उनके नाम के सामने उल्लिखित अवधि के लिए "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- (i) अधिसूचित संस्था अपनी अनुसंधान गतिविधियों के लिए अलग लेखा वही रखेगी ;
- (ii) अधिसूचित संस्था हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की

वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग प्रौद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;

- (iii) अधिसूचित संस्था केन्द्र सरकार को तरफ से नामित कर निर्धारण अधिकारी को अथवा की विवरणी प्रस्तुत करने के प्रस्ताव अपने लेखा परीक्षित वार्षिक लेखों का एक प्रति तथा अपना अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय और व्यय होते ही लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 दिसम्बर को अथवा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10, मिडलटन रो, 5वां तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रस्तुत करेगी ।

क्रम अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
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| 1. विशेष देखभाल की आवश्यकता वाले बच्चों की देखभाल, उपचार एवं प्रशिक्षण हेतु अनुसंधान संस्था, सेवारी हिल सेवारी रोड, मुम्बई-400033
[फा.सं. 203/35/99-आ.क.नि. II] | 1-4-99 से 31-3-2001 तक |
| 2. की तलवार रिसर्च फाउण्डेशन, ई-6, एन. ई. बी. बैली, नैव सराय सैनिक फार्मस, नई दिल्ली-110068
[फा. सं. 203/34/99-आ.क.नि. II] | 1-4-99 से 31-3-2001 तक |

टिप्पणी :—अधिसूचित संस्थाओं को यह सलाह दी जाती है कि वे अनुमोदन के नवीकरण हेतु तीन प्रतियों में और पहले ही अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त/आयकर महानिदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी ।

[अधिसूचना सं. 11156/फा. सं. 203/33/99-आई टी ए.

II एवं अंश II]

कमलेश सी बाणर्जी, अवर सचिव

New Delhi, the 1st December, 1999
(INCOME-TAX)

S.O. 3545.—it is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the, period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962, under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax [Director of Income-tax (Exemptions)], having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for Notification is effective
1.	The Research Society for Care, Treatment and Training of children in need of Special Care, Sewari Hill, Sewari Road, Mumbai-400033 (F.No. 203/35/99-ITA-II)	1-4-99 to 31-3-2001
2.	The Talwar Research foundation E-6, NEB Valley Neb Sarai, Sunik Farms, New Delhi-110058 (F.No. 203/34/99-ITA-II)	1-4-99 to 31-3-2001

Notes : The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 11155/F. No. 203/33/99-ITA-II and Others]
KAMLESH C. VARSHNEY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 26 नवम्बर, 1999

का.आ. 3546.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च 2001 तक मयूरभंज केन्द्रीय सहकारी बैंक लि., बारीपाड़ा (उड़ीसा) पर लागू नहीं होंगे।

[फा.सं. 1(19)/95-ए.सी.]

एल.सी. टूरा, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 26th November, 1999

S.O. 3546.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Mayurbhanj Central Co-operative Bank Ltd., Baripada (Orissa) from the date of publication of this notification in the Official Gazette upto 31 March 2001.

[F. No. 1(19)/95-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 29 नवम्बर, 1999

का.आ. 3547.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध), स्कीम, 1970 के खंड 3 के उपखंड (1), खंड 5, खंड 6, खंड 7, और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का दर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री आर. बी. शास्त्री, वर्तमान कार्यपालक निदेशक इंडियन ओवरसीज बैंक को 1 दिसम्बर, 1999 से 31 अक्टूबर, 2004 तक की अवधि के लिए इंडियन ओवरसीज बैंक के अध्याप एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/15/95-बी. ओ. आई०]

डी. चौधरी, अवर सचिव

New Delhi, the 20th November, 1999

S.O. 3547.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri R. V. Shastri, presently Executive Director, Indian Overseas Bank as Chairman and Managing Director, Indian Overseas Bank for the period from 1st December, 1999 and upto 31st October, 2004.

[No. 9/15/99-B.O.I]

D. CHOUDHURY, Under Secy.

विदेश मंत्रालय

(कंसुलर अनुभाग)

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3548.—राजनयिक कंसुली अधिकारी (अपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास, हेलसिंकी में श्री गुणानन्द गैरोला को 19-11-99 से सहायक कंसुली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी.-4330/1/98]

योगेश नारंग, उप सचिव (एन.आर.आई.)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 19th November, 1999

S.O. 3548.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Gunanand Gairola, Assistant, in the Embassy of India, Helsinki to perform the duties of Assistant Consular Officer with effect from 19-11-1999.

[No. T. 4330/1/98]

Y. C. NARANG, Dy. Secy. (NRI)

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3549.—राजनयिक कंसुली अधिकारी (अपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास बुएनोस आइरेस में श्री एच.सी. खरबन्दा को 25-10-99 से सहायक कंसुली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी.-4330/1/98]

योगेश नारंग, उप सचिव (एन.आर.आई.)

New Delhi, the 19th November, 1999

S.O. 3549.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri H. C. Kharbanda, PA in the Embassy of India, Buenos Aires, to perform the duties of Assistant Consular Officer with effect from 25-10-1999.

[No. T. 4330/1/98]

Y. C. NARANG, Dy. Secy. (NRI)

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3550.—राजनयिक कंसुली अधिकारी (अपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कंसुलवास सान फ्रांससिस्को में श्री दिनेश मेहता श्री भूपेन्द्र सिंह और श्री वी.के. पॉल को 19-11-99 से सहायक कंसुली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी.-4330/1/98]

योगेश नारंग, उप सचिव (एन.आर.आई.)

New Delhi, the 19th November, 1999

S.O. 3550.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Dinesh Mehta, Shri Bhupinder Singh and Shri V. K. Paul, Assistants in the Consulate General of India, San Francisco to perform the duties of Assistant Consular Officer with effect from 19-11-1999.

[No. T. 4330/1/98]

Y. C. NARANG, Dy. Secy. (NRI)

वाणिज्य मंत्रालय

नई दिल्ली, 22 नवम्बर, 1999

का.आ. 3551.—निर्यात (बवालिटि नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार यहाँ उपावद्ध अनुसूची में वर्णित अकार्बनिक वर्णकों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा.लि. 26बी/27 पार्क लेन कलकत्ता-700016 को इस अधिसूचना के प्रकाशन की तारीख से और आगे तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एक अभिकरण के रूप में मान्यता देती है, अर्थातः—

- (i) मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा.लि. कलकत्ता निर्यात निरीक्षण परीषद् द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनवाई गई निरीक्षण पद्धति की जांच करने के

लिए पर्याप्त सुविधाएं देगी ताकि अकार्बनिक वर्णकों के निर्यात निरीक्षण नियम, 1966 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र जारी किया जा सके।

- (ii) मैसर्स इंस्पेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. कलकत्ता इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. जिंक आक्साइड
2. लाल सीसा
3. सफेद सीसा

[फा. सं. 5/9/99-ई आई एंड ईपी]
पी. के. दास, उप सचिव

MINISTRY OF COMMERCE

New Delhi, the 22nd November, 1999

S.O. 3551.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years, from the date of publication of this notification, M/s. Inspection Survey and Surveillance (India) Private Limited 26D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Inorganic Pigments specified in schedule annexed hereto, prior to export, subject to the following conditions namely:—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Pigments (Inspection) Rules, 1966;
- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

SCHEDULE

1. Zinc Oxide
2. Red Lead
3. White Lead

[F. No. 5/9/99-E I&EP]
P. K. DAS, Dy. Secy.

नई दिल्ली, 22 नवम्बर, 1999

का.आ. 3552.— निर्यात (क्वालिटी नियंत्रण और निरीक्षण), अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स इंस्पेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. 26 डी/27 पार्क लेन, कलकत्ता-700016 को वाणिज्य मंत्रालय की अधिसूचना सं.का.आ. 1270 तारीख 25 मार्च, 1966 के साथ संलग्न अनुसूची-II में विनिर्दिष्ट अकार्बनिक रसायनों का निर्यात से पूर्व निरीक्षण करने के लिए इस अधिसूचना के प्रकाशन की तारीख से और आगे तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एक अभिकरण के रूप में मान्यता देती है, अर्थात:—

- (i) मैसर्स इंस्पेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि., कलकत्ता निर्यात निरीक्षण परिषद् द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी ताकि अकार्बनिक रसायनों का निर्यात (निरीक्षण) नियम, 1966 के नियम, 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इंस्पेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि., कलकत्ता इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फा. सं. 5/9/99-ई आई एंड ईपी]
पी. के. दास, उप सचिव

New Delhi, the 22nd November, 1999

S.O. 3552.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years, from the date of publication of this notification, M/s. Inspection Survey and Surveillance (India) Private Limited 26D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Inorganic Chemicals specified in Schedule-II annexed to the notification of the Government of India in the Ministry of Commerce No. S.O. 1270 dated the 25th March, 1966 prior to export subject to the following conditions namely:—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966;

- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta in the performance of their function under the notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[No. 5/9/99-E.I.&EP]
P. K. DAS, Dy. Secy.

नई दिल्ली, 22 नवम्बर, 1999

का.आ. 3553:— निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार डले हुए लोहे के मैनहोल के ढक्कन तथा फ्रेमों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. 26 डी/27 पार्क लैन, कलकत्ता-700016 को इस अधिसूचना के प्रकाशन की तारीख से और आगे तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. कलकत्ता निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगी ताकि डले हुए लोहे के मैनहोल ढक्कनों तथा फ्रेमों के निर्यात (निरीक्षण) नियम, 1971 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. कलकत्ता इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[फा. सं. 5/9/99 ई आई एंड ईपी]
पी.के. दास, उप सचिव

New Delhi, the 22nd November, 1999

S.O 3553.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years from the date of publication of this notification, M/s. Inspection Survey and Surveillance (India) Private Limited, 26-D/27, Park Lane, Calcutta-700 016 as an agency for the inspection of Cast Iron Manhole Covers and Frames, prior to export subject to the following conditions namely:—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta shall give

adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Cast Iron Manhole Covers and Frames (Inspection) Rules, 1971;

- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/9/99-E.I.&EP]
P. K. DAS, Dy. Secy.

नई दिल्ली, 22 नवम्बर, 1999

का.आ. 3554:— निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क (ग्रुप-II) का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. 26 डी/27 पार्क लैन, कलकत्ता-700016 को इस अधिसूचना के प्रकाशन की तारीख से और आगे तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन एक अभिकरण के रूप में मान्यता देती है, अर्थात् :—

- (i) मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. कलकत्ता निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएंगी ताकि खनिज तथा अयस्क ग्रुप-II के निर्यात (निरीक्षण) नियम, 1965 के नियम, 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इंसपेक्शन सर्वे एंड सर्विलैस (इंडिया) प्रा. लि. कलकत्ता इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. मैंगनीज आक्साइड
2. कायनाइट
3. सिलीमेनाइट
4. जिक संकेन्द्रित सहित कच्चा जिक
5. मैंगनेसाइट
6. बेराइट्स
7. लाल आक्साइड

8. पीला बैरिक
9. स्टेटाइट
10. फेल्डस्पार

[फा. सं. 5/9/99 ईआई एंड ईपी]

पी.के. दास, उप सचिव

New Delhi, the 22nd November, 1999

S.O. 3554.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years from the date of publication of this notification, M/s. Inspection Survey and Surveillance (India) Private Limited, 26 D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Minerals and Ores, (Group-II) as specified in schedule annexed hereto, prior to export, subject to the following conditions namely:—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited, Calcutta shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate, of inspection under rule 4 of the Export of Minerals and Ores Group-II (Inspection) Rules, 1965;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Limited, Calcutta in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

SCHEDULE

1. Manganese Dioxide
2. Kyanite
3. Sillimanite
4. Zinc Ores including zinc concentrates
5. Magnesite, including dead-burnt and calcined magnesite.
6. Barytes
7. Red Oxide
8. Yellow Ochre
9. Steatite
10. Feldspar

[F. No. 5/9/99-EI&EP]

P. K. DAS, Dy. Secy.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3555.—केन्द्रीय सरकार, राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन मंत्रा-

लय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय विद्यालयों को जिनमें 80 % से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :-

1. केन्द्रीय विद्यालय,
बी.ई.जी. डेक्कन कालेज रोड,
पुणे-411006.
2. केन्द्रीय विद्यालय,
रेलवे एस.टी. बस स्टेशन के पीछे,
गान्धीधाम (कच्छ)-370201.
3. केन्द्रीय विद्यालय, नं. 3
के.जी.पी.पी. (एन.टी.पी.सी.),
आदित्य नगर,
सुरत-394516.

[सं. 11011-8/99-रा.भा.ए.]

निशेन्दु ओजा, निदेशक (रा.भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 19th November, 1999

S.O. 3555.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for purposes of the Union) Rules, 1976 the Central Govt. hereby notifies of the following Kendriya Vidyalayas under the Ministry of Human Resources Development (Deptt. of Education) more than 80% staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya,
BEG Deccan College Road,
Pune-411006.
2. Kendriya Vidyalaya
Railway S.T. Behind Bus Station
Gandhidham (Kachh)-370201.
3. Kendriya Vidyalaya No.3
K.G.P.P. (N.T.P.C.)
Aditya Nagar,
Surat-394516.

[No. 11011-8/99-O.L.U.]

NISHENDU OJHA, Director (O.L.)

खान और खनिज मंत्रालय

(कोयला विभाग)

नई दिल्ली, 22 नवम्बर, 1999

का.आ. 3556.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोग) नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में खान और खनिज मंत्रालय, कोयला विभाग के अधीनस्थ कोल इंडिया लि. की सहायक कंपनी भारत कोकिंग कोल लिमिटेड के बस्ताकोला क्षेत्र को, जिसमें 80%

से अधिक कमियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-12019/1/99-हिंदी]
के.एस. क्रोफा, निदेशक

MINISTRY OF MINES AND MINERALS

(Department of Coal)

New Delhi, the 22nd November, 1999

S.O. 3556.—In pursuance of sub-rule 4 of Rule 10 of the Official Language (Use of official purposes of

the Union) Rules, 1976, the Central Government, hereby, notifies the Bastakola area of Bharat Coking Coal Ltd., a subsidiary of Coal India Ltd. under the Ministry of Mines and Minerals, Deptt. of Coal, whereof more than 80 per cent staff have acquired working knowledge of Hindi.

[No. E-12019/1/99-Hindi]

K. S. KROPHA, Director

नई दिल्ली, 29 नवम्बर, 1999

का.भा. 3557:—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii), तारीख 26 सितम्बर, 1998 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. भा. सं. 1898 तारीख 14 सितम्बर, 1998 द्वारा उस अधिसूचना से उपायुक्त अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 3311.232 हेक्टर (लगभग) या 8182.05 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी :

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला प्रसिद्ध है।

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रबल प्रावियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 3298.312 हेक्टर (लगभग) या 8150.13 एकड़ (लगभग) माप की भूमि में उस पर के सभी अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस ई सी एल/बी एस पी/जी एम (योजना)/ भूमि/230 तारीख 23 अगस्त, 1999 का निरीक्षण कलेक्टर, झुंडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, धिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2: उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :—
अर्जन के प्रति आक्षेप :—

“8: (1) कोई व्यक्ति जो किसी भूमि में जिसकी अर्जन धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध अधिसूचना के जारी किए जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आक्षेप कर सकेगा।

स्पष्टीकरण :—इस धारा के अन्तर्गत यह आक्षेप नहीं माना जाएगा कि कोई व्यक्ति किसी भूमि में कठेला-उत्पत्ति के लिए स्वयं खनन सक्रियता करना चाहता है और ऐसी सक्रियता केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आक्षेप सक्षम प्राधिकारी को लिखित रूप में किया जाएगा और सक्षम प्राधिकारी आक्षेपकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आक्षेपों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, जो भी आवश्यक समझता है, करने के पश्चात् वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आक्षेपों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाहियों के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए ऐसा कोई व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के कोई अधिकार इस अधिनियम के अधीन अर्जित कर लिए गए होते।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 को उक्त अधिनियम की धारा 3 के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 4 अप्रैल, 1987 के पृष्ठ 1397 से 1400 पर प्रकाशित अधिसूचना संख्या का. भा. 905 तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची
आमांश-1
सोहागपुर कोलफील्ड
जमुना कोतमा क्षेत्र
जिला-शहडोल (मध्य प्रदेश)

रेखांक सं. : एस ई सी एल/बी एस पी/जी एम
(योजना)/भूमि/230
तारीख 23 अगस्त, 1999

सभी अधिकार :

क्रम सं.	ग्राम का नाम	पटवारी हस्ता सं.	तहसील	जिला	क्षेत्र (हेक्टर में)	टिप्पणियां
1.	जमुडी	25	कोतमा	शहडोल	534.039	पूर्ण
2.	ऊरा	25	कोतमा	शहडोल	632.423	पूर्ण
3.	पवारी	26	कोतमा	शहडोल	493.821	पूर्ण
4.	सोहीबेलहा	26	कोतमा	शहडोल	672.129	पूर्ण
5.	मझौली	26	कोतमा	शहडोल	333.437	पूर्ण
6.	धनौली	26	कोतमा	शहडोल	364.874	पूर्ण
7.	डहईबहरा	26	कोतमा	शहडोल	267.589	पूर्ण
					योग : 3298.312 हेक्टर (लगभग)	
					या	
					8150.13 एकड़ (लगभग)	

- ग्राम जमुडी (पूर्ण) में अर्जित किए जाने वाले खसरा संख्या : 1 से 1201
- ग्राम ऊरा (पूर्ण) में अर्जित किए जाने वाले खसरा संख्या : 1 से 1054
- ग्राम पवारी (भाग में अर्जित किए जाने वाले खसरा संख्या 1 से 269, 271, 275, 285 से 287, 295 से 318, 332 से 348, 378 से 453, 503 से 505 से 516 से 802, 823 से 825, 833 से 1679, 1681 से 1686, 1688, 1690 से 1693, 1872 से 1875, 1878, 1879, 1939 से 1963, 1979 से 2038, 55/2039, 86/2040, 102/2041, 165/2042, 167/2043, 169/2044, 177/2045, 205/2046, 205/2047, 260/2048, 220/2049, 394/2051, 425/2052, 425/2053, 449/2054, 556/2055, 556/2056, 556/2057, 602/2058, 629/2059, 635/2060, 654/2061, 702/2062, 702/2063, 702/2064, 719/2065, 739/2066, 741/2067, 753/2068, 793/2069, 793/2070, 793/2071, 793/2072, 798/2073, 851/2078, 851/2079, 856/2080, 929/2081, 953/2082, 953/2083, 1033/2084, 1034/2085, 1084/2086, 1088/2087, 1091/2088, 1091/2089, 1093/2090, 1094/2091, 1150/2092, 1181/2093, 1184/2094, 1257/2095, 1250/2096, 1251/2097, 1251/2098, 1251/2099, 1251/2100, 1355/2101, 1471/2102, 1417/2110, 1434/2104, 1477/2105, 1480/2106, 1482/2107, 1482/2108, 1482/2109, 1504/2110, 1663/2111, 1663/2117, 2014/2118, 2106/2119, 1099/2120।
- ग्राम सोहीबेलहा (पूर्ण) में अर्जित किए जाने वाले खसरा संख्या 1 से 1038
- ग्राम मझौली (पूर्ण) में अर्जित किए जाने वाले खसरा सं 1 से 424
- ग्राम धनौली (पूर्ण) में अर्जित किए जाने वाले खसरा संख्या : 1 से 285, 148/286, 186/287, 15/288
- ग्राम डहईबहरा (पूर्ण) में अर्जित किए जाने वाले खसरा संख्या : 1 से 272

सीमा वर्णन

क-ख रेखा केवई नदी तथा हेनरी नाले के जंक्शन पर "क" बिन्दु से प्रारंभ होती है और हेनरी नाले से होती हुई बिन्दु "ख" पर मिलती है।

ख-ग रेखा ग्राम ऊरा-हिरी, ऊरा-खांडरी की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।

ग—घ—ङ	रेखा ग्राम ऊरा-कुहका, धतौली-कुहका की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु “ङ” पर मिलती है।
ङ—च—छ—ज	रेखा ग्राम मझौली-कुहका, मझौली-निमहा की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु “ज” पर मिलती है।
ज—झ—ञ—ञ 1—ट	रेखा ग्राम भागतः ग्राम पयारी-निमहा, पयारी-भाष की सम्मिलित सीमा के साथ-साथ जाती है, उसके पश्चात् ग्राम पयारी में प्रवेश करती है और खसरा नम्बर 1986, 1985, 1984, 1983, 1982, 1979, 1980, 1959, 1960, 1961, 1962, 1963, 1939, 1940, 1941, 1942, 1943, 1879, 1978, 1875, 1873, 1872, 1679, 1681, 1682, 1683, 1684, 1686, 1688, 1690, 1692, 1693, 833, 838, 800, 825, 823, 824, 825, 802, 792, 791, 790, 788, 787, 516, 505, 504, 503, 453, 379, 378, 348, 347, 332, 318, 317, 295, 297, 287, 286, 285, 2048, 261, 262, 275, 264, 268, 269, 267, 271 की दक्षिणी सीमा, खसरा नम्बर 271, 1 की पश्चिमी सीमा के साथ-साथ जाती है और बिन्दु “ट” पर मिलती है।
ट—ठ—ड—ड—ण	रेखा केवई नदी से होकर जाती है, जो पयारी, सोहीरुहा, डहईरुहा, जमुडी ग्रामों की पश्चिमी सीमा भी है और बिन्दु “ण” पर मिलती है।
ण—क	रेखा केवई नदी से होकर जाती है, जो जमुडी, ऊरा ग्रामों की उत्तरी-सीमा भी है, और बिन्दु “क” पर मिलती है।

[फा. सं. 43015/15/98—पी आर आई डब्ल्यू]
के. एस. क्रोफा, निदेशक

(Department of Coal)

New Delhi, the 29th November, 1999

S.O.3557.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1898, dated the 14th September, 1998, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 26th September, 1998, the Central Government gave notice of its intention to prospect for coal in the land measuring 3311.232 hectares (approximately) or 8182.05 acres (approximately) in the locality specified in the Schedule annexed to that notification:

And, whereas the Central Government is satisfied that coal is obtainable in a part of the said land;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire all rights in or over the land measuring 3298.312 hectares (approximately) or 8150.13 acres (approximately) as described in the Schedule annexed hereto:

Note 1.—The plan bearing No. SECL/BSP/GM(Plg)/Land/230, dated the 23rd August, 1999, of the area covered by this notification may be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coal-fields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

Note 2. Attention is hereby invited to the provisions of section 8 of the said Act, which provides as follows:

Objection to acquisition : “8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the object or an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7

or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3. The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published at pages 1397 to 1400 in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 4th April, 1987.

SCHEDULE

AMADAND BLOCK-I

SOHAGPUR COALFIELDS

DISTRICT—SHAHDOL (MADHYA PRADESH)

(Plan No. : SECL/BSP/GM(Plg)/Land/230, dated the 23rd August, 1999)

ALL RIGHTS

Serial number	Name of village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1.	Jamudi	25	Kotma	Shahdol	534.039	Full
2.	Oora	25	Kotma	Shahdol	632.423	Full
3.	Payari	26	Kotma	Shahdol	493.821	Part
4.	Sohibelha	26	Kotma	Shahdol	672.129	Full
5.	Majhuli	26	Kotma	Shahdol	333.437	Full
6.	Dhanauli	26	Kotma	Shahdol	364.874	Full
7.	Dadaibahara	26	Kotma	Shahdol	267.589	Full

Total : 3298.312 hectares (approximately) or 8160.13 acres (approximately)

1. Khasra numbers to be acquired in Village Jamudi (Full) : 1 to 1201.

2. Khasra numbers to be acquired in Village Oora (Full) : 1 to 1054.

3. Khasra numbers to be acquired in Village Payari (Part).

1 to 269, 271, 275, 285 to 287, 295 to 318, 332 to 348, 378 to 453, 503 to 505, 516 to 802, 823 to 825, 833 to 1679, 1681 to 1686, 1688, 1690 to 1693, 1872 to 1875, 1878, 1879, 1939 to 1963, 1979 to 2038, 55/2039, 86/2040, 102/2041, 165/2042, 167/2043, 169/2044, 177/2045, 205/2046, 205/2047, 260/2048, 220/2049, 394/2051, 425/2052, 425/2053, 449/2054, 556/2055, 556/2056, 556/2057, 602/2058, 629/2059, 635/2060, 654/2061, 702/2062, 702/2063, 702/2064, 719/2065, 739/2066, 741/2067, 753/2068, 793/2069, 793/2070, 793/2071, 793/2072, 798/2073, 851/2078, 851/2079, 856/2080, 929/2081, 953/2082, 953/2083, 1013/2084, 1034/2085, 1084/2086, 1088/2087, 1091/2088, 1091/2089, 1093/2090, 1094/2091, 1150/2092, 1181/2093, 1184/2094, 1257/2095, 1250/2096, 1251/2097, 1251/2098, 1251/2099, 1251/2100, 1355/2101, 1417/2102, 1417/2103, 1434/2104, 1477/2105, 1480/2106, 1482/2107, 1482/2108, 1482/2109, 1504/2110, 1663/2111, 1663/2117, 2014/2118, 2106/2119, 1099/2120.

4. Khasra numbers to be acquired in Village Sohibelha (Full) : 1 to 1038.

5. Khasra numbers to be acquired in Village Majhuli (Full) : 1 to 424.

6. Khasra numbers to be acquired in Village Dhanauli (Full) : 1 to 285, 148/286, 186/287, 15/288.

7. Khasra numbers to be acquired in Village Dadaibahara (Full) : 1 to 272.

Boundary Description

A—B

Line start from point 'A' on the junction of Kewai River and Henari, Nullah and passes through Henari Nullah and meets at Point 'B'.

- B—C** Line passes along the common boundary of villages Oora-Harri, Gora-Khodri and meets at point 'C'.
- C—D—E** Line passes along the common boundary of villages Oora-Kuhaka, Dhanauli-Kuhaka and meets at point 'E'.
- E—F—G—H** Line passes along the common boundary of villages Majhauri-Kuhaka, Mahauri-Nimha and meets at point 'H'.
- H—I—J—K** Line passes partly along the common boundary of villages Payari-Nimha, Payari-Bhad, then centre in village Payria and passes along the Southern boundary of Khasra numbers 1986, 1985, 1984, 1983, 1982, 1979, 1980, 1959, 1960, 1961, 1962, 1963, 1939, 1940, 1941, 1942, 1943, 1879, 1878, 1875, 1873, 1872, 1679, 1681, 1682, 1683, 1684, 1686, 1688, 1690, 1692, 1693, 833, 838, 800, 825, 823, 824, 825, 802, 792, 791, 790, 788, 787, 516, 505, 504, 503, 453, 379, 378, 348, 347, 332, 318, 317, 295, 297, 287, 286, 285, 2048, 261, 262, 275, 264, 268, 269, 267, 271 and Western boundary of Khasra number 271, I and meets at point 'K'.
- K—L—M—N—O** Line passes through Kewai River which is also western boundary of villages Payari, Sohibelha, Dadaibahara, Jamudi and meets at point 'O'.
- O—A** Line passes through Kewai river, which is also Northern boundary of villages Jamudi, Oora and meets the starting point at 'A'.

[No. 43015/15/98-PRW]

K.S. KROPHA, Director

आदेश

आई. बिल्ली, 1 दिसम्बर, 1999

का. भा. 3558—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. भा. 1056 तारीख 4 मई, 1998 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 30 मई, 1998 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लयनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि सेन्दल कोलफील्ड्स लि., रांची (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों पर, जो केन्द्रीय सरकार इस निमित्त अधिनियमित करना उचित समझे अनुपालन करने के लिए राजामंद है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उस पर के अधिकार, तारीख 30 मई, 1998 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात्—

- (1) उक्त सरकारी कंपनी उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और नैसी ही बचों की वाकत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत, सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी;

- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि के अधिकार किसी अन्य व्यक्ति को प्रंतरित करने की शक्ति नहीं होगी; और
- (5) उक्त सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा. सं. 43015/21/91—एल एस डब्ल्यू/पी द्वार आई डब्ल्यू]

के. एस. क्रोफा, निदेशक

ORDER

New Delhi, the 1st December, 1999.

S.O3558.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 1056, dated the 4th May, 1998 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 30th May, 1998, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act:

And whereas the Central Government is satisfied that the Central Coalfields Limited, Ranchi (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights so vested shall with effect from the 30th May, 1998 instead of containing to so vest in the central Government, shall vest in the said Government Company subject to the following terms and conditions, namely:—

- (1) the said Government Company shall re-imburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) above and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with rights in or over the said lands so vested shall also be borne by the said Government Company;
- (3) the said Government Company shall indemnify the Central Government and its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government and or its officials regarding the rights in or over the said lands so vested.
- (4) the said Government Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
- (5) the said Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands and when necessary.

[No : 43015/21/91-LSW/PRIW]
K. S. KROPHA Director to Ph.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 17 नवम्बर, 1999

का.आ.—3559—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 12 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिनियम की दूसरी अनुसूची के स्तम्भ 1 में शीर्षक “पाकिस्तान” के अन्तर्गत निम्नलिखित प्रविष्टियों का लोप किया जायेगा, अर्थात् :—

1	2	3	4
“कराची विश्वविद्यालय	एम.बी.बी.एस.	बैचलर आफ मेडिसिन एण्ड बैचलर आफ सर्जरी	यू. कराची
सिन्ध विश्वविद्यालय	एम.बी.बी.एस.	बैचलर आफ मेडिसिन एण्ड बैचलर आफ सर्जरी	यू. सिन्ध
पंजाब विश्वविद्यालय	एम.बी.बी.एस.	बैचलर आफ मेडिसिन एण्ड बैचलर आफ सर्जरी	यू. पंजाब”।

[सं. बी.—11015/15/99-एमई(यूजी)]
एस.के. मिश्रा, अवर सचिव

टिप्पण : मुख्य अधिसूचना भारत के राजपत्र के भाग-II, खंड-3, उपखण्ड-(2) में का.आ. संख्या 709 दिनांक, 7 मार्च 1992 के द्वारा अधिसूचित की गई थी।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 17th November, 1999

S.O.3559.—In exercise of the powers conferred by sub-section (3) of section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consultation with the Medical Council of India, hereby makes the following further amendments in the Second Schedule to the said Act from the date of publication of this notification in the Official Gazette, namely:—

In the Second Schedule to the said Act, in column 1, under heading ‘PAKISTAN’, the following entries shall be omitted, namely:—

1	2	3	4
“University of Karachi	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery	U. Karachi
University of Sind	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery	U. Sind
University of Punjab	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery	U. Punjab

[No. V-11015/15/99-ME(UG)]
S.K. MISHRA, Under Secy

Note : The principal notification was notified in the Part II, Section 3, sub-section (ii) of the Gazette of India vide number S.O.709, dated the 7th March, 1992.

नई दिल्ली, 22 नवम्बर, 1999

का.आ.—3560—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त परिषद् से परामर्श करने के पश्चात् केन्द्र सरकार एनद्द्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग-1 में क्रम संख्या 48 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

1	2	3
49. श्री रामचन्द्र मेडिकल कालेज और अनुसंधान संस्थान, (विश्वविद्यालय समतुल्य) चेन्नई।	बैचलर ऑफ डेंटल सर्जरी, यह अर्हता श्री रामचन्द्र डेंटल कालेज, चेन्नई के संबंध में तभी एक मात्रा प्राप्त चिकित्सा अर्हता होगी जब यह 21-6-99 को अथवा उसके बाद प्रदान की गई हो।	बी.डी.एम. श्री रामचन्द्र मेडिकल कालेज, और अनुसंधान संस्थान, चेन्नई।

[संख्या ए. 12018/6/99-पी.एम.एस.]

सी. एल. भाटिया, उप सचिव

New Delhi, the 22nd November, 1999

S.O. 3560.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentist Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part-I of the Schedule to the said Act, namely:—

In Part-I of the said Schedule, after Serial No. 48 the entries relating thereto, the following entries shall be added namely:—

1	2	3
49. Sri Ramachandra Medical College & Research Institute (Deemed University) Chennai.	Bachelor of Dental Surgery, This qualification shall be a recognised dental qualification in respect of Sri Ramachandra Dental College, Chennai when granted on or after 21-6-1999.	B.D.S. Sri Ramachandra Medical College & Research Institute, Chennai.

[No. V. 12018/6/99-PMS]

C.L. BHATIA, Dy. Secy.

नई दिल्ली, 29 नवम्बर, 1999

का.आ. 3561.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची के भाग-1 में एनद्द्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग-1 में डा. एम.जी. आर. आयुर्विज्ञान विश्वविद्यालय चेन्नई की क्रम संख्या 34 और उससे संबंधित प्रविष्टियों के सामने निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

1	2	3
डा. एम. जी. आर. आयुर्विज्ञान विश्वविद्यालय, चेन्नई।	दंत चिकित्सीय शाल्य चिकित्सा निष्णात। सर्वीय दंत चिकित्सा कालेज, चेन्नई के स्नातकोत्तर छात्रों के लिए निम्नलिखित दंत चिकित्सीय अर्हता 24-3-99 को अथवा इसके पश्चात् प्रदान किए जाने पर माय्यता-प्राप्त अर्हताएं होंगी। एम. डी. एस. (संरक्षी दंत चिकित्सा)	एम. डी. एस. (संरक्षी दंत चिकित्सा) डा. एम. जी. आर. आयुर्विज्ञान विश्वविद्यालय, चेन्नई।

[संख्या बी. 12017/8/95-पी.एम.एस.]

सी. एल. भाटिया, उप सचिव

New Delhi, the 29th November, 1999

S.O.3561.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment of Part-I of the Schedule to the said Act, namely:—

In Part-I of the said Schedule, against Serial No. 34 of Dr. M.G.R. Medical University, Chennai and the entries relating thereto, the following entries shall be added namely:—

Dr. M.G.R. Medical University, Chennai	Master of Dental Surgery. The following dental qualification shall be recognised qualifications when granted on or after 24-3-99 in respect of the P.G. students of Saveetha Dental Colleges, Chennai: —MDS (Conservative Dentistry)	MDS (Conservative Dentistry) Dr. M.G.R. Medical University, Chennai.
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[No. V-12017/8/95-PMS]

C.L. BHATIA, Dy. Secy.

योजना आयोग

नई दिल्ली, 29 नवम्बर, 1999

का. आ. 3562:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, एन.डी.आर. योजना आयोग के नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

- (1) जनसाधन अनुसंधान संस्थान, नई दिल्ली।
- (2) परियोजना मूल्यांकन कार्यालय, बेंगलूर।

[सं. ई 12018/5/98-ई-हिन्दी]

सुरेश पाल, उप सचिव

PLANNING COMMISSION

New Delhi, the 29th November, 1999

S.O. 3562.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the control of Planning Commission, the staff whereof have acquired the working knowledge of Hindi:—

1. Institute of Applied Manpower Research, New Delhi
2. Project Evaluation Office, Bangalore.

[No. E-12018/5/98-Hindi]

SURESH PAL, Dy. Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 9 नवम्बर, 1999

का. आ. 3563 :—केन्द्रीय सरकार, वायुयान अधिनियम, 1934 (1934 का 32) की धारा 9क की उपधारा

- (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि नागर विमानन मंत्रालय की अधिसूचना सं. का. प्रां. 988, तारीख 5 जनवरी, 1988 के उपाबंध III के,—

(क) भाग I में क्रम संख्यांक 108 और उससे संबंधित प्रविष्टियों का खोप किया जाएगा;

(ख) भाग III में,—

- (1) क्रम संख्यांक 10 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

1	2	3	4	5	6	7	8
"10क. कोचीन	केरल	100908	762429	7.68 मी.	09/27	3400745 मी."	
(अंतर्राष्ट्रीय)							

(2) क्रम संख्यांक 28 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

1	2	3	4	5	6	7	8
"29	श्री मत्स्य साई	आंध्र प्रदेश	140848	774738	475 सी (1557)	09/27 22 2237 × 45 मी" (7457 × 150)	

[फा. सं. ए. वी.-11016/1/99-ए]
वी. जे. मेनन, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 9th November, 1999.

S.O.3563.—In exercise of the powers conferred by sub-section (1) of section 9A of the Aircraft Act, 1934 (22 of 1934), the Central Government hereby directs that in Annexure III of the Notification of the Ministry of Civil Aviation, No. S.O. 988 dated the 5th January, 1988,—

(a) in Part I, serial number 108 and the entries relating thereto shall be omitted;

(b) in Part III,—

(i) after serial number 10 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"10A	Cochin (international)	Kerala	100908	762429	7.68 M (25')	09/27	3400 × 45 M";

(ii) after serial number 28 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"29	Sri Satya Sai	Andhra Pradesh	140848	774730	475 m (1557')	09/27	2237m × 45 m" (7457' × 150')

[F.No. AV. 11016/1/99-A]

V. J. MENON, Under Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 दिसम्बर, 1999

का. आ. 3564 :—केन्द्रीय सरकार ने, विभिन्न उपयोग केन्द्रों को पैट्रोलियम उत्पाद (एलपीजी) के परिवहन के लिए सम्पूर्ण देश में सुस्थापित पाइपलाइन नेटवर्क का विकास करने के लिए एक कम्पनी गैस अथॉरिटी ऑफ इंडिया लिमिटेड की स्थापना की है। और केन्द्रीय सरकार ने अढावीपालम से तातीपाका पाइपलाइन परियोजना के लिए का. आ. सं. 522 (ई) तारीख 30-6-1990 द्वारा आन्ध्र प्रदेश राज्य सरकार से पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड में प्रतिनियुक्ति पर उप जिलाधीश (एल. ए.) को प्राधिकृत किया है।

अतः अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) और धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपना यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निर्देश देती है कि नीचे वर्णित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं में से प्रत्येक का उक्त सारणी के स्तंभ (3) में की तत्त्वधानी प्रविष्टि में विनिर्दिष्ट रीति में संशोधन किया जाएगा

सारणी

क्र. सं.	अधिसूचना नं. व तारीख	संशोधन
1	2	3
1.	का. मा. 1201 तारीख 1-5-99	<p>(1) ग्राम नागरम, मंडल ममीडीकुडूर जिला पूर्वी गोदावरी, सर्वे नं. 148-8 बी 2, 9बी 2, 10बी, 11 भाग, 151-1ए भाग, 1बी भाग, 2ए भाग और क्षेत्र क्रमशः 0.0025, 0.0125, 0.0300, 0.0800, 0.0110, 0.1050, 0.0250 को निकाल दें।</p> <p>(2) ग्राम नागरम, मंडल ममीडीकुडूर जिला पूर्वी गोदावरी, सर्वे नं. 148-6 बी 2 भाग, 6ए 2ए, 151-3 बी भाग, 4ए, 149-1ए भाग क्षेत्र क्रमशः 0.0100, 0.0300, 0.0900, 0.0500, 0.0100 के स्थान पर ग्राम नागरम, मंडल ममीडीकुडूर जिला पूर्वी गोदावरी, सर्वे नं. 148-6 बी 2 भाग, 6ए 2ए, 151-3 बी भाग, 4ए, 149-1ए भाग क्षेत्र क्रमशः 0.0925, 0.1200, 0.0050, 0.0300, 0.0200, 0.035 प्रतिस्थापित किया जाएगा।</p>
2.	का. मा. 1905 तारीख 26-9-98	<p>(1) ग्राम चिन्तालपाली, मंडल राजोल जिला पूर्वी गोदावरी सर्वे नं. 258/3 भाग, 257/2 भाग, 259/3 भाग, 251/1 भाग, 252/2 भाग, 251/1 भाग, 251/2 भाग क्षेत्र क्रमशः 0.0050, 0.0100, 0.1700, 0.0100 (जी. पी.), 0.0100 (जी. पी.), 0.1100, 0.1000 को निकाल दें।</p> <p>(2) ग्राम चिन्तालपाली, मंडल राजोल जिला पूर्वी गोदावरी सर्वे नं. 258/4 भाग, 259/4 भाग, 259/2 भाग, 256/4 भाग, 251/2 भाग, 247 भाग, 246 भाग क्षेत्र क्रमशः 0.2250, 0.0300, 0.0350, 0.2600, 0.100, 0.2200, 0.0100 के स्थान पर ग्राम चिन्तालपाली, मंडल राजोल जिला पूर्वी गोदावरी सर्वे नं. 258/4 भाग, 259/भाग, 259/2 भाग, 256/4 भाग, 254/3 भाग, 247 भाग, 246 भाग क्षेत्र क्रमशः 0.2300, 0.0150, 0.2250, 0.2800, 0.1200, 0.0200, 0.2800 प्रतिस्थापित किया जाएगा।</p>
3.	का. मा. 699 तारीख 6-3-99	<p>ग्राम कडाली, मंडल राजोल, जिला पूर्वी गोदावरी सर्वे नं. 800-1 भाग, 751-1 भाग, 97-6बी भाग, 100 भाग, 103-1ए भाग, 556-1 भाग, 556-2 भाग, 555-1 भाग, 555-2 भाग, 565-1 भाग, 565-2 भाग, 566-1, 566-2 भाग, 638-2 भाग, 611-6 भाग, 801 भाग, 749 भाग, 750 भाग, 754 भाग, 760 भाग, 447 भाग, 446 भाग, 765-1/ए भाग क्षेत्र क्रमशः 1070, 0.4131, 0.0025, 0.0350, 0.0100, 0.0800, 0.0100, 0.0250, 0.0012, 0.0500 जी. पी., 0.0450 जी. पी., 0.500 जी. पी., 0.0500, जी. पी., 0.0750, 0.1600, 0.0100, 0.0225, 0.0025, 0.0300, 0.0225,</p>

1	2	3
		0.0400, 0.0300, 0.0075 के स्थान पर ग्राम कबाली,, मंडल राजोल, जिला पूर्वी गोदावरी के स्थान पर क्रमशः 0.1875 0.1431, 0.0025, 0.0350, 0.0100, 0.0800 जी. पी., 0.0100 जी. पी., 0.0025 जी. पी., 0.0012 जी. पी., 0.0500, 0.0450, 0.0500, 0.0500, 0.0950, 0.0775, 0.0100 जी. पी., 0.0200 जी. पी., 0.0025 जी. पी., 0.0300, 0.0225 जी. पी., 0.0400 जी. पी., 0.0300 जी. पी., 0.075 जी. पी. और सब नं. 611-3 भाग प्रस्थापित किया जाएगा।

[सं. एल.-14014/6/99 जी.पी. (वाँल्यूस-II)]

मुनील कुमार सिंह, सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 2nd December, 1999

S.O. 3562.—Whereas, the Central Government established a company namely Gas Authority of India Limited to develop a well settled or established pipeline network throughout the country to transport the product of Petroleum to the various consumption centers.

And, whereas, the Central Government authorised Deputy Collector on deputation from the State Government of Andhra Pradesh to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 for Adavipalem—Tatipaka Pipeline Project vide S.O. 522 (E) dated 30-6-1990;

Now, therefore, in exercise of the powers conferred by clause (a) of section 2 and sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962, the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notification of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below in the manner specified in the corresponding entry in column (3) of the said Table.

TABLE

S.No.	Notification No. and Date	Amendment
1	2	3
1.	S.O. 1201 dtd. 1-5-99	(i) For the words "Village Nagaram, Mandal Mamidikuduru Distt. East Godavari, Survey No. 148-8 B2, 9B2, 10B, 11 Pt, 151-1A Pt, 1B Pt, 2A Pt, and area 0.0025, 0.0125, 0.0300, 0.0800, 0.0100, 1050, 0.0250 respectively be deleted. (ii) For the words "Village Nagaram Mandal Mamidikuduru Distt. East Godavari Survey No. 148-6B Pt, 6A 2A, 151-3B pt, 4A, 149-1A pt area 0.0100, 0.0300, 0.0900, 0.0500, 0.0100, the word "village Nagaram Mandal Mamidikuduru Distt. East Godavari Survey no. 148-6B Pt, 6A 2A, 151-3B Pt 4A, 5A, 149-1A Pt area 0.0925, 0.1200, 0.0050, 0.0300, 0.0200, 0.035" shall be substituted.
2.	S.O. 1905 dtd. 26-9-98	(i) For the words "Village Chintalapalli, Madal Razole Distt. East Godavari Survey No. 258/3 Pt, 257/2 Pt, 259/3 Pt, 252/1 Pt, 252/2 Pt 251/1 pt, 251/2 Pt area 0.0050, 0.0100, 0.1700, 0.0100(GP) 0.0100 (G.P.), 0.1100, 0.1000 be deleted.

1

2

3

(ii) For the words "Village Chintalapalli, Madal Razole Distt. East Godavari Survey No. 258/4 pt, 259/4 pt, 259/2 pt, 256/4 pt, 251/2 pt, 247 pt, 246 pt are 0.2250, 0.0300, 0.0350, 0.2600, 0.1000, 0.2200, 0.0100" the words "village Chintalapalli, Mandal Razole, Distt. East Godavari Survey No. 258/4 pt, 259/4 pt, 259/2 pt, 256/4 pt, 251/2 pt, 247 pt, 246 pt area 0.2250, 0.300, 0.2600, 0.1000 0.2200, 0.0100" the words village Chintalapalli, Madal Razole Distt. East Godavari Survey No. 258/4 pt, 259/4 pt, 259/2 pt, 256/4 pt, 254/3 pt, 247 pt, 246 pt area 0.2300, 0.015, 0.2250, 0.2800, 0.1200, 0.0200, 0.2800" shall be substituted.

3. S.O. 699 dtd. 6-3-99

For the words "Village Kadali, Mandal Razole Distt. East Godavari Survey No. 800-1 part, 751-1 part, 97-6B part, 100 part, 103-1A part, 555-1 part, 556 2 part, 555/1 Part, 555-2 part, 565-1 part, 565/2 part, 566/1, 566-2 part, 638/2 part, 611-6 part, 801 part, 749 part, 750 part, 754 part, 760 part, 447 part, 446 part, 765 -1/a part and area 0.1075, 0.4131, 0.0025, 0.0350, 0.0100, 0.0800, 0.0100, 0.0250, 0.0012, 0.100 GP, 0.0450 GP, 0.0500 GP, 0.0500 GP, 0.0750, 0.1600, 0.0100, 0.0225, 0.0025, 0.0300, 0.0225, 0.0400, 0.0300, 0.0075 the words "Village Kadali, Mandal Razole, Distt. East Godavari Survey No. 611-3 pt and area 0.1875, 0.1431, 0.0025, 0.0350, 0.0100, 0.0800 GP, 0.0100 GP, 0.0025 GP, 0.0012 GP, 0.0500, 0.0450, 0.0500, 0.0500, 0.0950, 0.0775, 0.0100 GP, 0.0200 GP, 0.0025 GP, 0.0300 GP, 0.0225 GP, 0.0400 GP, 0.0300 GP, 0.075 GP" shall be substituted.

[No. L-14014/6/98-G.P. (Vol. II)]

S. K. SINGH, Under Secy.

नई दिल्ली, 3 दिसम्बर, 1999

का.आ. 3565.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में केशनपल्लि (पूर्व) से पार्सलपूडि टैपडन तक पेट्रोलियम गैस के परिवहन के लिये एक पाईपलाईन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिये;

और यह कि केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाईपलाईन बिछाने के प्रयोजन के लिये उस भूमि में जिसमें उक्त पाईपलाईन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और अर्जित पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1961 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां माधारण जनता को उपलब्ध कराये जाने की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि में पाईपलाईन बिछाने के संबंध में आपेक्ष, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, के.सी. बेसिन, दानवीपेट, राजमुन्नी, (आन्ध्र प्रदेश), को कर सकेगा।

अनुसूची

जिला	तहसील/मंडल	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हैक्टर में)
1	2	3	4	5
पूर्व गोदावरी	मल्लवरम	गौरि	27 भाग,	0-0300 जि. पि.
			30 ,,	0-0825 जि. पि.
			28/1 ए ,,	0-0100
			28/2 ए ,, 1	0-0275
			28/2 ए ,, 2	0-1250
			28/3 ,, 1	0-0100
			28/3 ,, 2	0-1975
			28/2 बी ,,	0-0300
			28/2 ई ,,	0-0300
			28/4 बी ए 1 ,,	0-0300
			28/4 बी ए 2 भाग	0-0550
			28/6 ,,	0-0012
			33/1 ए 1 ,,	0-1400
			33/6 ए ,,	0-0350
			33/6 बी ,,	0-0075
			33/3ए 1 ,,	0-0100
			33/2 ए 2 ,,	0-1150
			34/1 ,,	0-0550
			34/2 ए ,,	0-0100
			34/2 बी ,,	0-0850
			39/7 ए ,,	0-0300
			39/7 बी ,,	0-0350
			39/7 सी ,,	0-0300
			39/9 ए ,,	0-1150
			39/5 ए ,,	0-1050
			63 ए ,,	0-0750
			62 ,,	0-0200 जि. पि.
			61/1 ,,	0-1200
			61/2 ,,	0-0800
			67/3 ,,	0-0150
			67/2 ,,	0-0500
			67/7 ,,	0-1225
			68/1 ए ,,	0-1200
			68/1 बी ,,	0-0225
			68/4 बी ,,	0-0950
			74/1 सी ,,	0-1900
			74/4 ,,	0-0475
			74/5 ए ,,	0-0425
			78 ,,	0-0225 जि. पि.
			77/1 ,,	0-1150

(1)	(2)	(3)	(4)	(5)
पूर्व गोदावरी	मल्लवरम	गोवि	77 2 ए भाग	0-0050
			81 1 ए „	0-0300
			81 1 बी „	0-0550
			84 1 „	0-0550
			84 11 „	0-0262
			84 12 „	0-0275
			86 1 „	0-0575
			86 2 „	0-1150
			87 2 „	0-0050
			87 1 „	0-0050
			88 „	0-0100
			90 „	0-2225
			91 1 ए „	0-0175
			91/1बी „	0-0175
			91/1 सी „	0-0175
			91/1 डी „	0-0175
			91/1 ई „	0-0400
			91/1 एफ „	0-0450
			91/2 „	0-0412
			91/3 „	0-0425
			92/1 ई „	0-1025
			92/1 एफ „	0-0750
			96/1 „	0-0100
			96/2 „	0-0700
			95/1 „	0-0112
			95/2 „	0-1975
			95/4 „	0-0450
			142 „	0-2200
			180/3बी „	0-1550
			182/9 „	0-1500
			182/1 „	0-1450
			184/8बी „	0-0250
			184/8ए „	0-0100
			184/9 „	0-0300
			184/7ए „	0-0750
			184/6 „	0-1200
			184/4 ए „	0-0100
			184/1 „	0-0200
			185/4 „	0-0250
			185/3 „	0-1450
			186 „	0-0300 जी. पि.
			177/3बी „	0-1550
			177/1बी2 „	0-1000
			177/1बी1 „	0-0800
			147/5ए „	0-0100

(1)	(2)	(3)	(4)	(5)
पूर्व गोदावरी	अल्लवरम	गोड्डि	176 भाग	0-0500
			147/4 "	0-1900
			147/1 "	0-0950
			146 "	0-0350 जि.पी.
			137/5 "	0-0300
			137/4 "	0-0650
			137/7 "	0-0350 जि.पि.
			137/6बी "	0-2750
			138 "	0-0150 जि.पि.
			143/1 "	0-2050
			कुल योग	6-3973
	भोडसक्कुरु		112 भाग	0-0225 जि.पि.
			297/4 "	0-0300
			297/5 "	0-0725
			297/6 "	0-0500
			297/7 "	0-1150
			297/11 "	0-0750
			297/12 "	0-0100
			297/10 "	0-0150
			297/13 "	0-0450
			297/14 "	0-0300
			298 "	0-2000
			299 "	0-1800
				0-8450 या
				एकड़ 2-0742 सेन्ट्स
	बेडमू-रलंक		947/1 भाग	0-1450
			947/2 ए "	0-1550
			947/2बी 7 "	0-1000
			947/2बी 8 "	0-1000
			947/2बी 7 "	0-0200
			946 "	0-7400
			972 "	0-4900
			980 "	0-1850
			981/7 "	0-3150
			981/6 "	0-0025
			981/5 "	0-0500
			981/2 "	0-0550
			981/1 "	0-0400
			963 "	0-0050
			987/1 "	0-0800
			988 "	0-1300 जि.पि.
			785 "	0-1650

(1)	(2)	(3)	(4)	(5)
पूर्व गोदावरी	अल्लवरम	बेडमूर-रत्नक	787 भाग	0-2750
			791 "	0-2550
			790 "	0-0250 जि. पि.
			804/1 "	0-0750
			803/6 "	0-0150
			803/5 "	0-1100
			803/4 "	0-0550
			803/3आ "	0-0200
			803/3ए "	0-0600
			803/2 "	0-0550
			800/3 "	0-0250
			799/2 "	0-0500 जि. पि.
			799/1 "	0-2100
			820/1 "	0-1150 जी. प.
			821 "	0-0400
			822/2 "	0-1800
			832/1 "	0-1450
			823 "	0-2500
			724/5 "	0-0050
			724/6 "	0-0350
			724/1 "	0-4500
			717/2 "	0-0950
			717/1 "	0-1150
			716/10 "	0-0300
			716/9 "	0-0300
			716/8 "	0-0350
			716/7ए "	0-0200
			716/6ए "	0-0300
			716/5 "	0-0500
			716/3 "	0-0200
			716/2 "	0-0450
			716/1 "	0-0400
			715/10ए "	0-0100
			715/9 "	0-0300
			715/4डी "	0-0400
			715/4सी "	0-0050
			715/4बी "	0-0050
			715/4ए "	0-0250
			715/3 "	0-0400
			715/2 "	0-0550
			695 "	0-0100 जि. पि.
			696 "	0-0200
			697/7 "	0-0100
			697/6 "	0-0400

1	2	3	4	5
पूर्व गोदावरी	अल्लवरम	वैडमूर-लंक	697/5 भाग	0-0250
			697/4डी ,,	0-0300
			697/3सी ,,	0-0100
			697/3ए ,,	0-0500
			697/1 ,,	0-0400
			105/1 ,,	0-2650
			103/ ,,	0-1200 जी.पी.
			82/3 ,,	0-1400
			82/5 ,,	0-0350
			82/1 ,,	0-0350
			83/15 ,,	0-0650
			83/16 ,,	0-0300
			83/17 ,,	0-0200
			83/14एफ ,,	0-0350
			83/4बी ,,	0-0300
			83/14ए ,,	0-0700
			84/8 ,,	0-1050
			84/3ए ,,	0-0150
			84/3बी ,,	0-0550
			66/1डी ,,	0-0250
			66/1 ई ,,	0-1300
			66/1 सी ,,	0-0700
			66/1बी ,,	0-1000
			62/3 ,,	0-1300
			62/2 ,,	0-0400
			55 ,,	0-0250 जी.पी.
			54/4 ,,	0-3200
			52/4बी ,,	0-0600
			52/4ए ,,	0-0300
			52/5 ,,	0-0350
			48/2बी ,,	0-0500
			48/2 ए ,,	0-0500
			48/1 सी ,,	0-1050
			48/1 ए ,,	0-0950
			24 ,,	0-0350 जी.पी.
			25/1 ए ,,	0-1850
			26 ,,	0-0350 जी.पी.
			कुल योग	8-7150

[नं. एल.-14014/15/99-जी.पी.]

सुनील कुमार सिंह, सचिव

New Delhi, the 3rd December, 1999

S.O.3565.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kesanapalli (East) to Pasarlapudi Tap-in, Andhra Pradesh, a pipeline should be laid by the Gas Authority of India Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule, may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin, Danavajpet, Rajahmundry. (Andhra Pradesh).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in Hectare
1	2	3	4	5
East Godavari	Allavaram	Godi	27 Part	0-0300 G.P.
			30 Part	0-0825 G.P.
			28/1A Part	0-0100
			28/2A „ 1	0 0275
			28/2A „ 2	0-1250
			28/3 Part 1	0-0100
			28/3 Part 2	0-1975
			28/2D Part	0-0300
			28/2E Part	0-0300
			28/4BA1 „	0-0300
			28/4BA2 Part	0-0550
			28/6 „	0-0012
			33/1A1 „	0-1400
			33/6A „	0-0350
			33/6B „	0-0075
			33/3A1 „	0-0100
			33/3A2 „	0-1150
			34/1 „	0-0550
			34/2A „	0-0100
			34/2B „	0-0850
			39/7A „	0-0300
			39-7B „	0-0350
			39-7C „	0-0300
			39-9A Part	0-1150
			39-5A „	0-1050
			63A „	0-0750
			62 „	0-0200 G.P.

1	2	3	4	5
East Godavari	Allavaram	Godi	61-1	0-1200
			61-2	0-0800
			67-3	0-0150
			67-2	0-0500
			67-7	0-1225
			68-1A	0-1200
			68-1B	0-0225
			68-4B	0-0950
			74 1C	0-1900
			74-4	0-0475
			74-5A	0-0425
			78	0-0225 G.P.
			77-1	0-1150
			77-2A	0-0050
			81-1A	0-0300
			81-1B	0-0550
			84-1	0-0550
			84-11	0-0262
			84-12	0-0275
			86-1	0-0575
			86-2	0-1150
			87-2	0-0050
			87-1	0-0050
			88	0-0100
			90	0 2225
			91-1A	0-0175
			91/1B Part	0-0175
			91/1C	0-0175
			91/1D	0-0175
			91/1E	0-0400
			91/1F	0-0450
			91/2	0-0412
			91/3	0-0425
			92/1E	0-1025
			92/1F	0-750
			96/1	0-0100
			96/2	0-0700
			95/1	0-0112
			95/2	0-1975
			95/4	0-0450
			142	0-2200
			180/3B	0-1550
			182/9	0-1500
			182/1	0-1450
			184/8B	0-0250
			184/8A	0-0100
			184/9	0-0300
			184/7A	0-0750
			184/6	0-1200
			184/4A	0-0100
			184/1	0-0200
			185/4	0-0250
			185/3	0-1450
			186	0-0300 G.P.

1	2	3	4	5
East Godavari	Allavaram	Godi	177/3B Part	0-1550
			177/1B2 ..	0-1000
			177/1B1 ..	0-0800
			147/5A ..	0-0100
			176 ..	0-0500
			147/4 ..	0-1900
			147/1 ..	0-0950
			46 ..	0-0350 G.P.
			137/5 ..	0-0300
			137/4 ..	0-0650
			137/7 ..	0-0350 G.P.
			137/68 ..	0-2750
			138 ..	0-0150 G.P.
			143/1 ..	0-2050
			Total	6-3973
		Bodasakurru	112 Part	0-0225 G.P.
			297/4 ..	0-0300
			297/5 ..	0-0725
			297/6 ..	0-0500
			297/7 ..	0-1150
			297/11 ..	0-0750
			297/12 ..	0-0100
			297/10 ..	0-0150
			297/13 ..	0-0450
			197/14 ..	0-0300
			298 ..	0-2000
			299 ..	0-1800
			Total	0-8450
		Bendamurulanka	947/1 Part	0.1450
			947/2A ..	0.1550
			947/2B 7 ..	0.1000
			947/2B8 ..	0-1000
			947/2B7 ..	0-0200
			946 ..	0-7400
			972 ..	0-4900
			980 ..	0-1850
			981/7 ..	0-3150
			981/6 ..	0-0025
			981/5 ..	0-0500
			981/2 ..	0-0550
			981/1 ..	0-0400
			963 ..	0-0050
			987/1 ..	0-0800
			988 ..	0-1300 G.P.
			785 ..	0-1650
			787 ..	0-2750
			791 ..	0-2550
			790 ..	0-0250 G.P.

1	2	3	4	5
East Godavari	Allavaram	Bendamurulanka	804/1 Part	0-0750
			803/6 "	0-0150
			803/5 "	0-1100
			803/4 "	0-0550
			803/3B "	0-0200
			303/3A "	0-0600
			303/2 "	0-0550
			300/3 "	0-0250
			799/2 "	0-0500 G.P.
			799/1 "	0-2100
			320/1 "	0-1150 G.P.
			321 "	0-0400
			822/2 "	0-1800
			322/1 "	0-1450
			323 "	0-2500 G.P.
			724/5 "	0-0050
			724/6 "	0-0350
			724/1 "	0-4500
			717/2 "	0-0950
			717/1 "	0-1150
			716/10 "	0-0300
			716/9 "	0-0300
			716/8 "	0-0350
			716/7A "	0-0200
			716/6A "	0-0300
			716/5 "	0-0500
			716/3 "	0-0200
			716/2 "	0-0450
			716/1 "	0-0400
			715/10A "	0-0100
			715/9 "	0-0300
			715/4D "	0-0400
			715/4C "	0-0050
			715/4B "	0-0050
			715/4A "	0-0250
			715/3 "	0-0400
			715/2 "	0-0550
			695 "	0-0100 G.P.
			696 "	0-0200
			697/7 "	0-0100
			697/6 "	0-4000
			697/5 "	0-0250
			697/4D "	0-0300
			697/3C "	0-0100
			697/3A "	0-0500
			697/1 "	0-0400
			105/1 "	0-2650
			103 "	0-1200 G.P.
			82/3 "	0-1400
			82/5 "	0-0350
			82/1 "	0-0350
			83/15 "	0-0650

1	2	3	4	5
East Godavari	Allavaram	Bendamurulapka	83/16 Part	0-0300
			83/17 „	0-0200
			83/14F „	0-0350
			83/4B „	0-0300
			83/14A „	0-0700
			84/8 „	0-1050
			84/3A „	0-0150
			84/3B „	0-0550
			66/1D „	0-0250
			66/1E „	0-1300
			66/1C „	0-0700
			66/1B „	0-1000
			62/3 „	0-1300
			62/2 „	0-0400
			55 „	0-0250 G.P.
			54/4 „	0-3200
			52/4B „	0-0600
			52/4A „	0-0300
			52/5 „	0-0350
			48/2B Part	0-0500
			48/2A „	0-0500
			48/1C „	0-1050
			48/1A „	0-0950
			24 „	0-0350 G.P.
			25/1A „	0-1850
			26 Part „	0-0350 G.P.
			Total	1,11,11

[No. L-14014/15/99-G.P.]
S.K. SINGH, Under Secy.

नई दिल्ली, 7 दिसम्बर, 1999

का.भा. 3566—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ये आवश्यक है कि गुजरात राज्य में भरुच में हजीरा से मोरा तक प्राकृतिक गैस के परिवहन के लिये गुजरात स्टेट पेट्रोलियम कार्पोरेशन लिमिटेड, गांधीनगर द्वारा पाइपलाइन बिछाई जानी चाहिए।

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

प्रतः अधः, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितवद् कोई व्यक्ति, राजपत्र में, प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी, गुजरात स्टेट पेट्रोलियम कार्पोरेशन लिमिटेड, ब्लाक नं. 15, दूसरी मंजिल, उद्योग भवन, सेक्टर नं. 11, गांधीनगर - 382011 गुजरात को कर सकेगा।

अनुसूची

जिला-सुरत	राज्य गुजरात
तालुके का नाम	क्षेत्र
गांव का नाम	सर्वेक्षण सं./खण्ड सं.
	हेक्टर
	अर
	सेन्टीअर
1	2
3	4
5	6
चौरासी	मोरा
174/अ	00
37	00

[फा. सं. एन-14014/4/99-जी.पी.]

मुनील कुमार सिंह, अवर सचिव

New Delhi, the 7th December, 1999

S.O. 3566.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas in the State of Gujarat from Hazira to Mora in District Surat, a pipeline should be laid by the Gujarat State Petroleum Corporation Limited, Gandhinagar;

And whereas, for purpose of laying such a pipeline, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the competent authority, Gujarat State Petroleum Corporation Limited, Block No. 15, 2nd Floor, Udyog Bhawan, Sector No. 11, Gandhinagar-382 011, Gujarat.

SCHEDULE

District : Surat			State : Gujarat		
Name of Taluka	Name of Village	Survey No.	Area		
			Hectare	Are	Centiare
1	2	3	4	5	6
Chourasi	Mora	174/A	00	37	00

[F. No. L-14014/4/99-GP]

S.K. SINGH, Under Secy.

शुद्धि पत्र

नई दिल्ली, 7, दिसम्बर, 1999

आ.आ. 3567.—भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 1470 दिनांक 26-5-1999, भारत सरकार के राज्य पत्र भाग-II, खंड-3, उपखंड-ii, दिनांक 29 मई, 1999 में पृष्ठ 3265 में प्रकाशित हुआ है। इनके कालम 3 में संबंधित सं. नं. '253' को '263' पढ़ा जाये।

[फा. सं. एन-14014/4/99-जी.पी.]

मुनील कुमार सिंह, अवर सचिव

Corrigendum

New Delhi, the 7th December, 1999

S.O. 3567.—In the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1470 dated 26th May, 1999 and published in the Gazette of India Part-II, Section 3, Sub-section (ii) dated 29th May, 1999 at page 3268, in column (3) relating to survey nos. for "253", read "263".

[F. No. L-14014/4/99-GP]

S.K. SINGH, Under Secy.

नई दिल्ली, 9 दिसम्बर, 1999

का. आ. 3568.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ.1471, तारीख 26 मई, 1999 द्वारा प्राकृतिक गैस के परिवहन के लिए गुजरात राज्य के जिला सूरत में हजीरा से जिला भरुच में दाहेज तक गुजरात स्टेट पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 28 जून, 1999 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित किए जाने का विनिश्चय किया है;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उसमें उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार, उस धारा की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस घोषणा के प्रकाशन की तारीख को उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए, सभी वित्त्वंगमों से मुक्त होकर गुजरात स्टेट पेट्रोलियम कार्पोरेशन लिमिटेड में निहित होगा ।

‘अनुसूची’

जिल्ला: सुरत			राज्य: गुजरात		
तालुके का नाम	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र		
			हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)
ओलपाड	बारबोधान	1266	00	15	90
		1263	00	04	80
		1264	00	52	30
		मालगामा बारबोधान रास्ता	00	04	50
		1269	00	58	60
		1272	00	06	50
		191	00	11	80
		178	00	19	30
		176	00	08	70
		177	00	13	60
चोरासी	मालगामा	175	00	30	60
		168	00	31	00
		169	00	01	90
		162	00	24	10
		154	00	44	90
		150	00	36	10
		रादेव बारबोधान रास्ता	00	04	80
		123	00	03	20
		2 अेल लघुशाखा	00	04	50
		134	00	06	70
ओलपाड	सेगवाच्छामा	135	00	05	40
		136	00	34	90
		138	00	21	60
		139	00	09	80
		146	00	39	60
		145	00	05	50
		153/ए	00	08	40
		156	00	01	60
		154	00	06	20
		155	00	00	10
		68	00	04	80
		69	00	00	10
		70	00	05	20
		72	00	09	20
		71	00	10	60
		50	00	21	20
		76	00	00	80
		मेगवाच्छामा सिधान रास्ता	00	04	80
		52	00	13	60

(1)	(2)	(3)	(4)	(5)	(6)
		53	00	04	80
		51	00	09	80
		35/बी	00	21	40
		38	00	01	60
		35/बी	00	08	00
		26	00	07	70
		भांडुत विशाखा की लघुशाखा	00	03	20
		33	00	12	70
		32	00	19	10
		31	00	05	00
		546	00	00	40
		547	00	27	40
		548	00	23	80
		537	00	21	70
		538	00	12	40
		बारबोधान विशाखा	00	01	00
		532	00	19	90
		528	00	12	70
		425	00	43	60
		519	00	11	30
		518	00	18	30
		517	00	00	30
		516	00	26	20
		515	00	09	40
		514	00	08	70
		535	00	04	50
	इसनपोर	41	00	12	60
		40	00	00	70
		44	00	11	80
		46	00	11	40
		47	00	15	80
		50	00	30	20
		51	00	08	10
		54	00	10	00
		55	00	04	70
		59	00	08	50
		58	00	37	20
		74बी	00	13	50
		75	00	13	70
		इसनपोर ग्राम्य मार्ग	00	03	70
		80	00	05	40
		77	00	31	70

(1)	(2)	(3)	(4)	(5)	(6)
	ओलपाड	431	00	27	80
		433	00	05	60
		434	00	19	80
		435	00	02	10
		439	00	22	60
		436	00	04	80
		438	00	31	30
		437	00	01	80
		458	00	08	80
		459	00	25	40
		460	00	22	60
		461	00	11	40
		476	00	26	30
		477	00	08	10
		आसनाबाद विशाखा की 1 अेल लघुशाखा	00	03	80
		478	00	12	80
		480	00	12	70
		482	00	05	90
		481	00	16	40
		506	00	01	90
		505	00	16	40
		503	00	22	40
		508	00	16	80
		आसनाबाद विशाखा	00	03	70
		ओलपाड सायन राज्य धोरी मार्ग	00	06	80
		509	00	04	10
		511	00	33	10
		512	00	16	50
		आसनाबाद विशाखा की 1 आर लघुशाखा	00	04	80
		514	00	20	60
		521	00	21	60
		520	00	22	30
		आसनाबाद विशाखा की लघुशाखा	00	03	40
		516	00	10	50
		ओलपाड गौव क नाला	00	04	80
		638	00	39	20
		640	00	36	50
		648	00	22	20
		639	00	24	80
		649	00	01	00
	अटोदरा	101	00	04	80
		130	00	17	50

(1)	(2)	(3)	(4)	(5)	(6)
		129	00	40	80
		121	00	02	20
		128	00	09	50
		127	00	30	00
		135	00	35	10
		139	00	32	50
		153	00	32	00
		156	00	10	80
		155	00	22	10
		अटोदरा गोंव का नाला	00	03	00
		148	00	14	30
		161	00	00	40
	गोला	14	00	23	00
		16	00	13	90
		15	00	15	90
		17	00	03	60
		18	00	01	60
		19	00	38	60
		9ए	00	09	00
		10	00	22	50
		अटोदरा गोला रास्ता	00	01	20
		220	00	05	60
		221	00	12	90
		222	00	08	10
		223	00	04	40
		224	00	29	40
		216	00	00	20
		232	00	00	30
		225	00	20	60
		229	00	15	50
		228	00	03	30
		गोला अखरन रास्ता	00	03	90
		190	00	22	40
		189	00	26	10
		गोला गोंव का नाला	00	04	30
		184	00	12	80
		गोला मोरथान ग्राम्य मार्ग रास्ता	00	01	80
		170	00	21	90
		169	00	18	10
		166	00	31	90
		165	00	21	20
		135 पैकी	00	11	40

(1)	(2)	(3)	(4)	(5)	(6)
	अेरथान	41	00	14	40
		42	00	20	80
		43	00	12	60
		44	00	45	60
		45	00	38	20
		46	00	23	40
		47	00	26	40
		48	00	37	00
		49	00	14	10
		टकारमा अेरथान रास्ता	00	04	00
		51	00	18	10
		52	00	12	80
		53	00	05	60
		अेरथान गाँव का नाला	00	01	80
		58	00	06	20
		मोरथान अेरथान टकारमा रास्ता	00	05	20
		88	00	09	40
		87	00	12	70
		86	00	05	90
		81	00	18	80
		84	00	19	30
		83	00	08	70
		138	00	07	00
		79	00	01	00
		135	00	01	40
		146	00	24	30
		148	00	11	90
		175	00	12	00
		कदरमा विशाखा की 1 अेल लघुशाखा	00	10	40
		149पैकी	00	09	00
		167	00	44	30
		174	00	09	60
		165	00	03	10
		166	00	22	70
		162	00	13	30
		161	00	30	10
		159	00	00	60
		अेरथान गाँव का नाला	00	02	90
		183	00	08	60
		कदरमा रास्ता	00	02	40
कदरमा		कदरमा रास्ता	00	01	60
		164	00	12	30

(1)	(2)	(3)	(4)	(5)	(6)
		149	00	50	70
		150	00	26	70
		143	00	02	10
	भादोल	भादोल खाई	00	10	20
		50	00	03	20
		51	00	22	60
		57	00	20	80
		58	00	13	60
		59	00	08	40
		60	00	18	60
		66	00	03	40
		73	00	57	60
		74	00	18	30
		भादोल विशाखा	00	08	60
		229ए	00	08	70
		231	00	19	20
		230	00	07	20
		232	00	16	20
		218	00	08	10
		215	00	05	40
		भादोल पारडी रास्ता	00	04	60
		284	00	47	50
		285	00	05	80
		295	00	19	40
		296	00	14	00
		4 अेल लघुशाखा	00	01	80
		298	00	48	80
		297	00	01	10
		300	00	21	40
		भादोल नहेर	00	01	40
		311	00	19	40
		313	00	01	00
		312	00	16	20
		308	00	07	10

(1)	(2)	(3)	(4)	(5)	(6)
		392	00	19	90
		391	00	16	30
		393	00	00	30
		394	00	31	70
		396	00	23	80
		भादोल गाँव क नाला	00	03	00
	उमराची	11	00	04	90
		14	00	14	30
		17	00	12	70
		19	00	04	00
		16	00	13	70
		20	00	11	10
		28	00	01	30
		27	00	31	70
		26	00	02	00
		43	00	11	60
		कीम नदी	00	14	30

[फा. सं. एल. 14014/4/99-जी.पी. (भाग)]

सुनिल कुमार सिंह, अवसर सचिव

New Delhi, the 9th December, 1999

S. O. 3568.— Whereas by a notification of the Government of India in the Ministry of Petroleum & Natural Gas, number S.O. 1471, dated, the 29th May, 1999, issued under sub-section(1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas in the State of Gujarat from Hazira in District Surat to Dahej in District Bharuch, by the Gujarat State Petroleum Corporation Limited;

And whereas, the copies of the said gazette notification were made available to the public on 28th June, 1999;

And whereas, the Competent Authority has under sub-section(1) of section 6 of the said Act submitted report to the Central Government;

And further, whereas, the Central Government has, after considering the said report, decided to acquire, the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Gujarat State Petroleum Corporation Limited., Block No. 15, 2nd Floor, Udyog Bhavan, Sector No. 11, Gandhinagar - 382011, Gujarat, free from all encumbrances.

"Schedule"

District : Surat

State : Gujarat

Name of Taluka	Name of Village	Survey No. /Block No.	Area				
			Hectare	Are	Centare		
(1)	(2)	(3)	(4)	(5)	(6)		
OLPAD	BARBODHAN	1266	00	15	90		
		1263	00	04	80		
		1264	00	52	30		
		Malgama Barbodhan Road	00	04	50		
		1269	00	58	60		
		1272	00	06	50		
		CHORASI	MALGAMA	191	00	11	80
178	00			19	30		
176	00			08	70		
177	00			13	60		
175	00			30	60		
168	00			31	00		
169	00			01	90		
162	00			24	10		
154	00			44	90		
150	00			36	10		
OLPAD	SEGWACHHAMA			Randev Barbodhan Road	00	04	80
				123	00	03	20
		Sub Minor (2L)	00	04	50		
		134	00	06	70		
		135	00	05	40		
		136	00	34	90		
		138	00	21	60		
		139	00	09	80		
		146	00	39	60		
		145	00	05	50		
		153/A	00	06	40		
		156	00	01	60		
		154	00	06	20		
		155	00	00	10		
		68	00	04	80		
		69	00	00	10		
		70	00	05	20		
		72	00	09	20		
		71	00	10	60		
		50	00	21	20		
		76	00	00	80		
		Segwachhama Sithan Road	00	04	80		
		52	00	13	60		

(1)	(2)	(3)	(4)	(5)	(6)
		53	00	04	80
		51	00	09	80
		35/B	00	21	40
		38	00	01	60
		35/B	00	08	00
		26	00	07	70
		Sub Minor (Bhandut Distributory)	00	03	20
		33	00	12	70
		32	00	19	10
		31	00	05	00
		546	00	00	40
		547	00	27	40
		548	00	23	80
		537	00	21	70
		538	00	12	40
		Barbodhan Minor	00	01	00
		532	00	19	90
		528	00	12	70
		425	00	43	60
		519	00	11	30
		518	00	18	30
		517	00	00	30
		516	00	26	20
		515	00	09	40
		514	00	08	70
		535	00	04	50
	ISANPOR	41	00	12	60
		40	00	00	70
		44	00	11	80
		46	00	11	40
		47	00	15	80
		50	00	30	20
		51	00	08	10
		54	00	10	00
		55	00	04	70
		59	00	08	50
		58	00	37	20
		74B	00	13	50
		75	00	13	70
		Isanpor Approach Road	00	03	70
		80	00	05	40
		77	00	31	70

(1)	(2)	(3)	(4)	(5)	(6)
	OLPAD	431	00	27	80
		433	00	05	60
		434	00	19	80
		435	00	02	10
		439	00	22	60
		436	00	04	80
		438	00	31	30
		437	00	01	80
		456	00	08	80
		459	00	25	40
		460	00	22	60
		461	00	11	40
		476	00	26	30
		477	00	08	10
		Sub Minor (1L Asnabad Distributory)	00	03	80
		478	00	12	80
		480	00	12	70
		482	00	05	90
		481	00	16	40
		506	00	01	90
		505	00	16	40
		503	00	22	40
		508	00	16	80
		Asnabad Minor	00	03	70
		Olpad Sayan S.H.	00	06	80
		509	00	04	10
		511	00	33	10
		512	00	16	50
		Sub Minor (1R Asnabad Distributory)	00	04	80
		514	00	20	60
		521	00	21	60
		520	00	22	30
		Sub Minor (Asnabad Distributory)	00	03	40
		516	00	10	50
		Nalla (Village Olpad)	00	04	80
		638	00	39	20
		640	00	36	50
		648	00	22	20
		639	00	24	80
		649	00	01	00
	ATODARA	101	00	04	80
		130	00	17	50

(1)	(2)	(3)	(4)	(5)	(6)
		129	00	40	80
		121	00	02	20
		128	00	09	50
		127	00	30	00
		135	00	35	10
		139	00	32	50
		153	00	32	00
		156	00	10	80
		155	00	22	10
		Nalla (Village Atodara)	00	03	00
		148	00	14	30
		161	00	00	40
	GOLA	14	00	23	00
		16	00	13	90
		15	00	15	90
		17	00	03	80
		18	00	01	60
		19	00	38	60
		9A	00	09	00
		10	00	22	50
		Atodara Gola Road	00	01	20
		220	00	05	60
		221	00	12	90
		222	00	08	10
		223	00	04	40
		224	00	29	40
		216	00	00	20
		232	00	00	30
		225	00	20	60
		229	00	15	50
		228	00	03	30
		Gola Accharan Road	00	03	90
		190	00	22	40
		189	00	26	10
		Nalla (Village Gola)	00	04	30
		184	00	12	80
		Gola Morthan Approach Road	00	01	80
		170	00	21	90
		169	00	18	10
		166	00	31	90
		165	00	21	20
		135 P	00	11	40

(1)	(2)	(3)	(4)	(5)	(6)
	ERTHAN	41	00	14	40
		42	00	20	80
		43	00	12	60
		44	00	45	60
		45	00	38	20
		46	00	23	40
		47	00	26	40
		48	00	37	00
		49	00	14	10
		Takama Erthan Road	00	04	00
		51	00	18	10
		52	00	12	80
		53	00	05	60
		Nalla (Village Erthan)	00	01	80
		58	00	06	20
		Morthan Erthan Takama Road	00	05	20
		88	00	09	40
		87	00	12	70
		86	00	05	90
		81	00	18	80
		84	00	19	30
		83	00	08	70
		138	00	07	00
		79	00	01	00
		135	00	01	40
		146	00	24	30
		148	00	11	90
		175	00	12	00
		Sub Minor (1L Kadarma Distributory)	00	10	40
		149P	00	09	00
		167	00	44	30
		174	00	09	60
		165	00	03	10
		166	00	22	70
		162	00	13	30
		161	00	30	10
		159	00	00	60
		Nalla (Village Erthan)	00	02	90
		183	00	08	60
		Kadrama Road	00	02	40
	KADRAMA	Kadrama Road	00	01	60
		164	00	12	30

(1)	(2)	(3)	(4)	(5)	(6)
		149	00	50	70
		150	00	26	70
		143	00	02	10
	BHADOL	Bhadol Khadi	00	10	20
		50	00	03	20
		51	00	22	60
		57	00	20	80
		58	00	13	60
		59	00	08	40
		60	00	18	60
		66	00	03	40
		73	00	57	60
		74	00	18	30
		Bhadol Minor	00	08	60
		229A	00	08	70
		231	00	19	20
		230	00	07	20
		232	00	16	20
		218	00	08	10
		215	00	05	40
		Bhadol Pardi Road	00	04	60
		284	00	47	50
		285	00	05	80
		295	00	19	40
		296	00	14	00
		Sub Minor(4L)	00	01	80
		298	00	48	80
		297	00	01	10
		300	00	21	40
		Canal(Bhadol)	00	01	40
		311	00	19	40
		313	00	01	00
		312	00	16	20
		308	00	07	10

(1)	(2)	(3)	(4)	(5)	(6)
		392	00	19	90
		391	00	16	30
		393	00	00	30
		394	00	31	70
		396	00	23	80
		Nalla(Village Bhadol)	00	03	00
	UMRACHHI	11	00	04	90
		14	00	14	30
		17	00	12	70
		19	00	04	00
		16	00	13	70
		20	00	11	10
		28	00	01	30
		27	00	31	70
		26	00	02	00
		43	00	11	60
		Kim River	00	14	30

[F. No. I.-14014/4/99-GP (Vol.)]
S. K. SINGH, Under Secy.

अम मंत्रालय

नई दिल्ली, 12 नवम्बर, 1999

का.अ. 3569-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार मैसर्स बी सी सी एल के प्रबंधन के द्वारा निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निविद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-99 को प्राप्त हुआ था।

[सं. एल-20012/(283)/93-आई.आर. (सी-I)]

श्याम सुन्दर गुप्ता, अवर सचिव

MINISTRY OF LABOUR
New Delhi, the 12th November, 1999

S.O. 3569.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure to the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 11-11-99.

[No. L-20012/(283)/93-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 191 of 1994

PARTIES :

Employers in relation to the management of Pootki Banihari Project of M/s. BCCL

AND

Their Workmen

PRESENT :

Shri Sarju Prasad,
Presiding Officer.

APPEARANCES :

For the Employers : Shri S. N. Sinha, Advocate.
For the Workmen : Shri B. B. P. Sinha, Advocate.
State : Bihar. Industry : Coal.

Dated, the 1st November, 1999

AWARD

By Order No. L-20012/(283)/93-IR. (Coal-I) dated the 28th July, 1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal with following schedule :

"Whether the action of the management of Pootki Banihari Project of ECCL in denying employment to the dependent of Late Sri Mahendra Singh. Ex-Tyndal Jamadar at P. B. Project is justified? If not, to what relief the dependent of the deceased workman is entitled?"

2. The brief facts giving rise to this industrial dispute is that Sri Mahendra Singh was a workman of M/s. B.C.C. Ltd. working as Tyndal Jamadar at Pootki-Banihari Project of M/s. Bharat Coking Ltd.

The said workman, Mahendra Singh was working at Pootki-Banihari Project from 2-7-55 and according to Form 'B' register his date of join was 1-6-1931. According to the management the date of retirement of the said workman was 1-6-1991, therefore a letter was issued to him on 14-12-90 intimating him that the concerned workman, Mahendra Singh is to retire with effect from 1-6-91. It appears from the pleadings of the parties that the said Mahendra Singh was suffering from T.B. and he was treated at colliery hospital at Loyabad and thereafter at Central Hospital, Dhanbad and he was also referred to Mhadevi Billa Hospital at Ranchi for his treatment. But according to the dependent of the concerned workman the said Mahendra Singh had not superannuated with effect from 1-6-91, rather he was on service and he was referred to the hospital on 19-6-91 and ultimately he died on 24-6-91. Therefore being the dependent of late Mahendra Singh a workman of M/s. B.C.C. Ltd. his dependent is entitled to service according to NCWA-III & IV. Further, according to the dependent of the concerned workman the management has granted leave to late Mahendra Singh upto 12-6-91 that will also prove that the said Mahendra Singh was very much on the roll of the company on the date of his death i.e. 24-6-91 and therefore the claim of the son of the ex-workman is fully justified. The management has admitted that as per the NCWA-III and IV if a workman dies in harness then one of his dependents is entitled for the service of the company. But since the ex-workman Mahendra Singh had superannuated from service prior to his death therefore the provisions of NCWA-III or IV is not applicable in the present case and none of the dependents of said Mahendra Singh is entitled to service of the company.

3. The dependent of the concerned workman has further pleaded that actually the concerned workman was suffering from T.B. and he was unfit for the service of the company. Therefore he had applied for declaring him unfit and providing job to one of his sons which was turned down by the management arbitrarily. The management has not admitted this plea of the dependent of the concerned workman and has submitted that no such prayer was made by the concerned workman. The dependent of the concerned workman has not adduced any iota of evidence to show that the concerned workman has ever made any prayer to declare him unfit and to provide employment to his son in his place.

4. Thus, the only controversy is whether any of the dependents of late Mahendra Singh, ex-Tyndal Jamadar is entitled to service of the company on the ground that the said Mahendra Singh had died in harness. Therefore, the very moot question is to be decided is whether the concerned workman, late Mahendra Singh was on the roll of the company on the date of his death i.e. 24-6-1991.

5. The management has examined three witnesses in this case. MW-1—Ram Avtar Verma who has produced the Form 'B' Register which has been marked Ext. M-1. He has also produced the superannuation notice dated 10-12-90 which was received by the workman on 18-12-90 and the same has been marked Ext. M-2. He has also filed the carbon copy of Service Excerpt showing that the date of birth of the concerned workman was 1-6-31. This has been marked Ext. M-3. MW-2 is Dibakar Paul who has said that on 19-6-91 Mahendra Singh was brought to him who was bleeding, therefore he was referred to dispensary with reference letter Ext. M-4. He was not knowing whether the concerned workman had superannuated or not. However, he has said that whenever any superannuated personnel of the company is brought into hospital in serious condition he is attended too. MW-3 is Hiralal Saw who has proved the superannuation letter and Form 'B' Register and has said that the concerned workman Mahendra Singh had retired on 1-6-91. As against this evidence the dependent of the concerned workman has not made any prayer to call for the Attendance Register to show that the concerned workman had worked even after 1-6-91. He was very much relied upon the reference letter dated 19-6-91 by which the concerned workman was referred to the hospital. According to the evidence of MW-2 even retired personnel is referred to the hospital when he is brought on critical con-

dition. Therefore by merely referring him for treatment on 19-6-91 it cannot be inferred that the concerned workman was on the roll of the company on that date. Similarly the dependent of the concerned workman has filed one xerox copy of leave form to show that he was granted leave for 12-6-91 but the management has filed the leave register to show that leave has not been entered in the Leave Register and it is just possible that the same might have been prepared for the purpose of this case. Actually the Attendance Register would have been a vital piece of evidence to show that the concerned workman had worked even after 1-6-91. Form 'B' Register is a statutory register which is filled up at the time of entry into service and there is no overwriting or cutting to suggest any interpolation in Form 'B' Register. Therefore at the time of entry into service the concerned workman has declared his date of birth as 1-6-31 and hence he has superannuated with effect from 1-6-91. The concerned workman has also examined one oral witness WW-2—Ganesh Hazra, but his evidence does not prove that the concerned workman was on the roll of the Company. Actually the attendance register would have proved that the concerned workman has worked even after 1-6-91 and was on the roll of the company on the date of his death, but that has not been brought on record nor any attempt has been made to bring the same on record. Therefore, I come to a conclusion that there is ample evidence on record that the concerned workman had superannuated on 1-6-91 and he was on the roll of the company on that date of his death i.e. 24-6-91. Therefore, the dependent of the concerned workman, Mahendra Singh, Ex-Tondal Jamadar is not entitled for service of the company as per NCWA-III or IV.

6. Accordingly I render—

AWARD

That the action of the management is justified and the dependent of Mahendra Singh, Ex-Tondal Jamadar is not entitled for service of the company.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1999

का.प्र. 3570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रसरण में, केन्द्रीय सरकार मैसर्स सी एस ईल के प्रबंधन के संबंधितों को और उनके कार्यकर्ता के बीच, मतभेद में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-20012/81/94-आई.आर. (सी-1)]

श्री स. सुन्दर गुप्ता, प्रारम्भिक

New Delhi, the 17th November, 1999

S.O. 3570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman which was received by the Central Government on 17-11-1999.

[No. L-20012/81/94-IR (CI)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 98 OF 1995

PARTIES :

Employers in relation to the management of Moonidih Coal Washery of M/s. BCC Ltd and their workman.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 3rd November, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/81/94-I.R. (Coal-I), dated, the 17th July, 1995.

SCHEDULE

"Whether the action of the management of Moonidih Coal Washery of M/s. BCC Ltd in denial of proper wages and placement as Clerk Category-II to Shri Mukteshwar Singh Choudhary, I.D. Card No. 732 w.e.f. 11-4-1991 is justified? If not, to what relief the workman is entitled to?"

2. The concerned workman has made out a case in the statement of demand which may be stated as follows :—

The concerned workman Shri Mukteshwar Singh Choudhary came in employment of Moonidih Project under BCC Ltd as Mining Apprentice Cat. I in the month of April, 1983 and in his capacity as such Apprentice he started assisting the Asstt. Colliery Manager as well as Overman in checking ventilation, checking gas with Methanometer and C.O. detectors and taking air sample etc. to the full satisfaction of the management upto the middle of 1989 but unfortunately the environment in the underground of the colliery did not suit the health of the concerned workman and he started suffering from T.B. resulting in bed ridden condition for months together. The concerned workman started undergoing treatment in the hospitals of the management. Ultimately he recovered from his illness but the Medical Officer recommended light duty for him for about 4 to 5 months, yet the suffering of the concerned workman subsequently relapsed. The concerned workman under compelling circumstances applied to the management for surface duty as advised by the Medical Officer and the management on consideration of his prayer placed him in the Transport department with effect from 11-4-92 by Office Order No. 1225. The concerned workman started performing the duties of clerical staff in the Transport section by doing the work of posting of attendance of the workers, noting the consumption of diesel of vehicle etc., maintaining transporting report of all three shifts in the record book, maintaining leave records of all the workers, preparing list of the workers for Sundays, preparing diesel consumption and transporting report in the consolidated form, absenteeism report and by performing other various jobs of the Accountant during his absence. In addition he also used to perform the duties as per verbal instructions and instruction given by issuance of slips like "Every morning you will show the O.T. and the Attendance of the workers and supervisors by obtaining signature of the Transport Manager." The designation of the concerned workman was also changed from Mining Apprentice to Surface job. The concerned workman claimed his regularisation in Clerical Grade-II as per nature of job he was performing. There was also official correspondence by the Dy. C.P.M. stating that the concerned workman never performed the duties of Category II labour rather he performed the duties of a clerk. The concerned workman when demanded his regularisation in Clerical Grade-II, he was threatened with reversion to his substantive post but no follow up action was taken. The concerned workman though performed the

duties of clerical Grade-II he was not allowed to put his signature on papers although his handwriting is there for the purpose of showing performance of his clerical duties. Since the management has threatened him with reversion etc. the concerned workman and no other alternative but to raise a dispute through his sponsoring union for his regularisation in Clerical Grade-II with retrospective effect. The conciliation proceeding was started by the Conciliation Officer but all attempts for amicable settlement having failed, report to that effect was submitted to the appropriate authority i.e. the Central Government Ministry of Labour and the Government of India on consideration of the report has been pleased to refer the dispute to this Tribunal for adjudication registered as Reference case. Hence this reference.

3. The management side also filed their W.S. as well as rejoinder giving parawise comments in respect of the contents of different paras of the W.S. of demand submitted on the side of the management. The management side has challenged the maintainability of the present reference but admitted in fact the concerned workman was appointed as apprentice in April, 1983. It is also the case of the management that as Mining Apprentice the concerned workman was to learn various job relating to the winning of coal both manually and mechanically, to receive training of shot firing, to learn the use of safety lamp, methanometer for the purpose of ascertaining the presence of inflammable gas, use of Carbon Monoxide Detectors inside the mine, to ascertain the nature of air flow for the purpose of adequacy of ventilation with a view to obtain Sirdarship certificate. The management has also admitted that the concerned workman could not avail of the facilities provided to him by the management for such training and learning of job as Mining Apprentice and thereby obtain statutory certificate for working as Mining Sirdar, Shot Firer, Overman or Asstt. Manager or the like. He was provided with light job on surface on prayer on the ground of his ill health and after due medical examination. The concerned workman by office order dated 11-4-1991 issued by the Washery Manager of Moonidih Coal Washery was posted at Moonidih Area garage with advice to work under the control of Shri S. Thakur, Manager (T) as Cat. I Mazdoor. The concerned workman while performing the duties of General Mazdoor Cat. I did certain clerical job for certain period but solely for the purpose of learning of such type of job that too in connivance of some clerical staff of the management yet he pretended with from Mining Apprentice he was assigned to such job because of his ill health. But he was never posted by the management in any grade of clerical post because of the fact that as the JBCCI has formulated a cadre scheme circulated through Circular No. 34 dated 17-7-84 for entry into clerical service from clerical Grade-III to higher grade. There was no scope of appointing a Mining apprentice to any such clerical post anywhere, under the scheme formulated by JBCCI where there is no short cut method for a Category I to supersede his senior to Cat. II, III, IV or V or for direct entry to Cat. II clerk superseding the clerk of Grade-I. The scheme was formulated for the purpose of equality and to avoid practice of arbitrary, by selecting of persons by the controlling officers and to put such person into clerical jobs for the purpose of regularising them as clerk in Grade-III to I etc. Thus in the face of the scheme of the JBCCI in the aforesaid circular the demand of the concerned workman for his regularisation in Clerical Grade-II from the post of General Mazdoor Cat. I is absurd and at the same time is an attempt by the sponsoring union to circumvent the JBCCI circular mentioned above. The concerned workman was never appointed as Clerk he was also not posted as Clerk by any competent authority and as such he cannot claim his regularisation as clerical Grade-II. Under such circumstances, the claim of the concerned workman is not justified and he is not entitled to any relief in this reference.

4. In addition to the case made out in the W.S. the management side has also submitted comments in respect of the contents of different paras of the W.S. filed on the side of the workman and in doing so the management has abstained from submitting any comments in respect of the contents of para-1 and 3 of the W.S. while in respect of the contents of para-2 of the W.S. the say of the management is that those are not fully correct. So far the claim of the assistance by the workman to the ACM/Overman by performing duties. In fact as Mining Apprentice the concerned workman was undergoing training for the purpose of learning job relating to the various Mining process.

5. In respect of the contents of para-4 of the W.S. the say of the management is that those are not at all correct and as such denied. The management has denied that by office order dated 11-4-1991 the concerned workman was allotted duties mentioned in sub-para A to J in their W.S. and there was no office order posting him as clerk. He was also never assigned any duties of any clerical post and the claim of performing the duties of clerk by the concerned workman and thereby his demand for regularising him as clerk Grade-II is thus baseless and incorrect. In respect of the contents of para-5 of the W.S. the claim of the management is that those are not fully correct in as much as the concerned workman was previously designated as Mining Apprentice and after his posting in the transport section of the garage he was designated as Mazdoor and not as a clerk. In respect of contents of para-6 of the W.S. the claim of the management is that those are not at all correct and as such denied. The concerned workman was never posted or appointed against any permanent vacancy of clerk Grade-II. He was also not allotted any clerical job of Grade-II and as such he cannot claim for his regularisation as clerk Grade-II. The management has also denied the contents of para 6(b) of the W.S. as incorrect by claiming that the Project officer cannot post any workman for performing duties other than the post in which a particular workman has been appointed and in such direction if issued by the Project officer is liable to disciplinary action. The claim of the concerned workman of continuous service as clerk as per order of the Project Officer thus according to the management is false. The management has also denied the contents of other paras of the W.S. filed on the side of the workman and has claimed once again that the concerned workman is not at all entitled to any relief in this reference.

6. As against the W.S.-cum-rejoinder filed on the side of the management the workman side also submitted a rejoinder giving their comments in respect of the contents of different paras of the W.S. and in doing so the workman side has claimed that the contents of para 2 to 14 are false, frivolous and motivated and therefore denied although it has been admitted that the concerned workman was initially appointed as Mining Apprentice as Cat. I but it is false to allege that it is the duty of the Mining Apprentice to learn all the jobs mentioned in para-4 of the W.S. filed on the side of the management. The management with a view to exploit the concerned workman has been taking service of clerk by paying wages of Cat. I Mazdoor. The allegation of failure of the concerned workman to avail of the facilities alleged to have been provided by the management etc. are also false including his posting in the garage. The workman side has also denied the correctness of the claim of the management that the concerned workman performed did certain clerical jobs for some period for the limited purpose of learning inconnivance with some members staff of the local management. Similarly the concerned workman has denied the allegation of the management that the present dispute has been raised on being instigated by some interested persons. It is false to allege that the JBCCI provision by circular No. 34 dated 17-7-84 is relating to the regularisation of the staff in clerical post. The JBCCI has formulated for promotion of the clerical cadre as well as other cadres. The claim of the concerned workman in the instant reference is not for promotion but for regularisation as he has been working in the clerical nature of job. he is entitled to such regularisation under the provision of the JBCCI scheme and in doing so the workman side has once again prayed for granting him the relief mentioned in the prayer portion of the W.S.

7. The point for decision is whether the concerned workman is entitled to the relief of regularisation as clerk Grade-II.

DECISIONS AND REASONS:

8. The parties have adduced oral evidence in support of their respective cases by examining one witness on each side. The witness examined on the side of the workman is the workman himself while on the side of the management one Shri Rajendra Sharma, Manager, Transport of Moonidih Coal Washery. In addition to the oral evidence the concerned workman has also produced a number of documents and admitted in the evidence marked as Ex. W-1 to W-9. The evidence of MW-1 is that he knows the concerned workman working in his department but as a General Mazdoor and as General Mazdoor discharge the duty of the concerned workman poured in the vehicle and to wash vehicle etc. He has denied if the concerned workman was ever engaged as

clerk and that he is not authorised to appoint any time rated worker as clerk. According to the witness the claim of the concerned workman for his regularisation as clerk Grade-II is not at all justified. In course of cross-examination so many questions were put to the witness for the purpose of proving that in fact that the management in the transport department of Moonidih Coal Washery has been utilising the services of the concerned workman as clerk but the witness has denied the same and has claimed that in fact the Foreman performs the duties of clerical nature as well by maintaining attendance register, diesel register and other registers in connection with vehicle of the transport department. The witness went so far that he was in a position to produce such register showing maintenance of the same by the Foreman, on the other hand the concerned workman during his examination in Court has claimed that he has been serving in the Washery since 11-4-1991 as a clerk and such service of the concerned workman as clerk is continuous and even against the permanent vacancy. It is the claim of the workman that in performing the duties of the clerk he maintains log book, attendance of the transport department, record of O.T. register of daily consumption of Diesel, the particulars of the material transported, maintaining leave register and also by preparing diesel consumption report etc. It is also the claim of the witness during such examination that records are available in the transport department for the purpose of showing the nature of the job which the concerned workman has been performing. He has denied if the Foreman performs those duties by maintaining registers etc. The witness has also proved photo copies of certain documents for the purpose of showing that he has been working there in the transport department by performing duties of a clerk. During his cross-examination the witness has stated that his section in-charge verbally directed him to perform the duties for which he received any letter or office order for performing the duties of the clerk but at the same time the witness has admitted that in fact in the records of the management his status has been shown as Mazdoor Cat. I. It was suggested to the witness on the side of the management that the document produced by him i.e. the photo copies of certain documents are manufactured for the purpose of the present reference but the witness has denied the same. The oral evidence adduced by the respective parties in support of their respective cases are thus on extreme opposite poles. There is no dispute that the concerned workman was initially appointed as Mining Apprentice and that while he was performing the duties of Mining Apprentice or learning the job for obtaining Sirdarship certificate or the Overman and like certificate in the underground, the atmosphere there in the underground in the Colliery affected adversely upon his health and he was attacked with I.B. for which he had to undergo continuous medical treatment for prolonged period of about 11 months. There is also no dispute that the management placed him in the transport department as per recommendation of the Medical Officer by allotting the concerned workman light nature of job. The concerned workman by an application during the pendency of the present reference prayed for an order to call for certain documents from the office of the management specially of transport department for the purpose of showing that the registers etc. maintained there if produced will prove that those are containing handwriting of the concerned workman. The management without assigning any reason has abstained from producing those documents. The non-production of such document by the management naturally leads to draw an adverse inference against him showing correctness of the claim of the concerned workman of his performing the duties as clerk. In addition to that the photo copies of the documents produced on the side of the workman and admitted in the evidence also show that these are of transport section of Moonidih Coal Washery and containing handwriting of the concerned workman. MW-1 during cross-examination though claimed that the Foreman of the transport section maintains relevant register relating to the vehicle, oil consumption, OT of the workers etc. and that although the witness has claimed that he was in a position to produce all those registers etc. for the purpose of showing maintenance of those registers by Foreman for the reasons best known to the management these have not been produced to prove the correctness of the claim of MW-1. That being the position and since in the instant case materials showing strict compliance of IBCCI provision for the purpose of appointment, promotion etc. of the workers of the management I cannot but hold that in fact the concerned workman after his posting in the transport section has been performing the duties of clerical nature. He is there-

fore entitled to an order for regularisation at least in minimum grade of clerical staff with back wages from the date of this Award. The above point is thus decided in favour of the workman. The management is hereby directed to regularise the services of the concerned workman as clerk in the minimum grade within one month from the date of publication of the Award in the Gazette of India and also to pay back wages with effect from this date.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.अ. 3471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सित सी.सी.एल. के प्रबंधन के संबंध निवाजकों और उनके कार्गारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, धनबाद कंपाउंड को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 11-99 को प्राप्त हुआ था।

[सं. एल-20012/(22)/92-आई.आर. (सी.-1)]

श्रीम सुन्दर गुप्ता, अवर सचिव

New Delhi, the 18th November, 1999

S.O. 3571.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C. C. Ltd. and their workman, which was received by the Central Government on 17-11-1999.

[No. L-20012/(22)/92-IR(C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 43 of 1992

PARTIES:

Employers in relation to the management of Kuju Colliery of M/s. C. C. Ltd.

AND

Their Workmen.

PRESENT:

Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Workmen: Shri Tajmul Ansari, Concerned Workman, Ex-Mining Sirdar, At Marangmarcha, P.O. Sandi (Chitarpur), Distt. Hazaribagh.

STATE: Bihar

INDUSTRY: Coal

Dated, the 5th November, 1999

AWARD

By Order No. L-20012(22), 92-L.R.(Coal-I) dated, the 30th June, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the dismissal of Tajmul Ansari, an ex-Mining Sardar of Kuju Colliery w.e.f. 5-7-1986 by the Project Officer of the Kuju Colliery of M/s. Central Coalfields Ltd., At & P.O. Kuju, Dist. Hazaribagh is legal and justified? If not, to what relief the workman is entitled?"

2. The brief facts giving rise to this industrial dispute is that Tajmul Ansari was working as Mining Sirdar at Banwar Section of Kuju Colliery belonging to M/s. C. C. Ltd. on 29-5-1986. He was allotted company's quarters in which he was residing. On the night of 29-5-1986 some criminals were said to be manufacturing bombs in the company's quarters allotted to the concerned workman, Tajmul Ansari which suddenly exploded as a result of which three persons involved in manufacturing of bombs sustained injury resulting in their death. Among the dead there was one Md. Nissar who too was a Mining Sirdar and neighbour of the concerned workman, Tajmul Ansari. In the bomb blast extensive damage was caused to the said quarters and after the said bomb blast the concerned workman fled away from the colliery and remained absent without any information to the management of M/s. C. C. Ltd. There was a police case also regarding the said bomb blast in which the concerned workman had to go to jail. The management issued a chargesheet and served upon him on 5-7-86 alleging that some criminals were manufacturing bombs in the company's quarters allotted to him with his express or implied permission which exploded causing death of three persons and damage to the company's property. He was further alleged to be harbouring criminals in his quarters and conniving with them in various acts of omission and commission around the colliery. He was also charged with absconding and leaving colliery without information and permission from the appropriate authority and thereby committed misconduct under Clause 17(1) and 17(q) of the Model Standing Orders applicable to the Coal Industry. The concerned workman submitted his reply in which as well as in the written statement the concerned workman has admitted that on the date and time of occurrence there was a bomb blast resulting death of three persons including Mr. Nissar, his neighbour and Mining Sirdar and damage to the said quarters. But according to him he was not residing alone in the said quarters, rather in that quarters one Basarath Hussain. Security Guard was also residing who was allowed to reside there at the request of Security Officer. There was arrangement between the concerned workman and the said Security Guard, Basarath Hussain that the key of the same should be given to another Mining Sirdar when any of them has to go out in connection with duty. On the date of occurrence the concerned workman was on duty from 1.00 p.m. to 10.00 p.m. Actually he had left for duty at 12 noon and remained on duty till 10.00 p.m. on that day. When he came out of duty he learnt that one bomb had blasted in his quarters, therefore he left that place and went to his village home. Further according to him, another Mining Sirdar Md. Nissar had taken the key of the quarters from the Security Guard, Basarath Hussain and requested him to permit the use of the said quarter to his guests who had come during that night and it was the two guests of Mr. Nissar who were killed in the process of preparing bombs. According to the concerned workman he was not at all knowing about preparation of bombs nor he has any complicity in preparation of the bombs.

3. On the said charges the reply of the concerned workman was found unsatisfactory by the management and therefore a domestic enquiry was constituted by the Project Officer who was also the Agent of the Mines and Sri Krishnadeo Mishra, Sr. Personnel Officer (Administration) Kuju Project was appointed Enquiry Officer. He conducted the domestic enquiry and submitted report holding the concerned workman guilty of the misconduct and on that basis the con-

cerned workman was dismissed by letter dated 6/8-4-1987. His dismissal was also approved by the General Manager. According to the management the domestic enquiry was fair, proper and principles of natural justice were followed. The concerned workman was given opportunity to participate in the enquiry and to cross-examine the witnesses of the management and also to adduce evidence in his defence. But according to the concerned workman, the domestic enquiry was not fair, proper and he was not given proper opportunity to defend himself. However, the fairness and propriety of the domestic enquiry was taken up as preliminary issue and by order dated 18-1-1995 the domestic enquiry has been held fair and proper.

4. Now the only point for consideration is whether the finding of the Enquiry Officer holding the concerned workman guilty of misconduct is just and reasonable and if so is the punishment awarded to the concerned workman proportionate to the gravity of misconduct proved against him.

5. The management has examined the Enquiry Officer, Sri Krishnadeo Mishra who is MW-1 and has brought on record the charge sheet dated 5-7-86 which is Ext. M-1, enquiry proceedings and connected papers Ext. M-2, enquiry report Ext. M-3, notesheet approving the dismissal of the concerned workman by the General Manager Ext. M-4 and letter of dismissal Ext. M-5. The concerned workman has filed during hearing of this reference case the judgement of the Criminal Court by which he has been acquitted and a letter dated 4-7-86 by which he was allowed to do duty with effect from 5-7-86 pending the enquiry of the charges levied against him and Ext. W-3 is a zero copy of certificate showing that he was on duty on 29-5-86 i.e. on the day when bomb blasted from 1.00 p.m. to 10.00 p.m. It is admitted that at the time when bomb blasted the concerned workman was on duty. During the domestic enquiry the management has examined Sri A. K. Singh, Asstt. Security Officer, Kuju Colliery, who has stated that on 29-5-86 at about 9-15 p.m. he was taking meal at Kuju Hotel where one Bansi Singh, Security Inspector informed him that bomb has blasted in the quarters at miner's colony and two people have died. He went to hospital and found two persons were injured, thereafter he went to miner's quarter No. M-7 which was allotted to the concerned workman and found two persons dead lying there and doors, windows etc. were shattered. He found the smell of explosive material. Thereafter he reported the matter at Kuju out-post who visited the place of occurrence and thereafter saw the injured persons who were referred to Natisrai hospital and two persons were sent for post-mortem examination. In search by the police officer suitl were used for blast in mines were found, besides nails and pellets were also found there. He informed the matter to the Project Officer and Regional Security Officer. He has further stated that this quarters was allotted to Tajmul Ansari in which Basarath Hussain was also residing. In cross-examination it has been elicited that when he visited the quarters neither Basarath Hussain was there nor the concerned workman was there. The management has examined Dr. Om Prakash, Senior Medical Officer of Kuju hospital who has stated about the injury received by two persons in the bomb blast. The management has also produced absentee statement showing Tajmul Ansari absented from 30-5-86 and allotment order of Quarters No. M-7 in favour of Tajmul Ansari. The master roll register of Banwar Section of Kuju colliery was also filed showing that the concerned workman was absented from 30-5-86. The management has also examined one Harinath Mishra who has said about bomb blast in the quarters of the concerned workman. He too has stated that besides Tajmul Ansari Basarath Hussain was also residing in that quarters. The concerned workman examined one Ishwar Saw, Mining Sirdar, who was on duty at Banwar Section on the date of occurrence from 9.00 p.m. to 5.00 a.m. and he had found Tajmul Ansari present at 9.00 p.m. in the said mine. He has also examined one Budhan Saw who has said that in the said quarters Basarath Hussain, Security Guard was also residing there. He has further stated that at the time of blast Tajmul Ansari was on duty. He has also examined one Ramjan Munshi who has said that at the time of blast Tajmul Ansari was on duty and one Basarath Hussain was residing with Tajmul Ansari on the request of Project Officer. But according to the concerned workman Basarath Hussain was allowed to reside there on the request of Security Officer. Therefore the evidence of this witness that Basarath Hussain

was allowed to reside on the request of the Project Officer is beyond the pleading and therefore that cannot be considered. He has admitted that there was bomb blast in the quarters allotted to Tajmul Ansari and he has further admitted that the said quarters was allotted to Tajmul Ansari, it was not allotted to Basarath Hussain. He was residing there in agreement with the concerned workman. The concerned workman has also examined himself during the domestic enquiry and he has admitted that there was a bomb blast in his quarters; but at that time he was on duty. He has also admitted that there was no written order of the Project Officer for allowing Basarath Hussain to reside in that quarters and he has not given information to anybody about his whereabouts after the bomb blast. He has admitted that he was absent from duty without any information to the management.

6. Thus from the materials available on record it is crystal clear that the Quarters No. M/7 was allotted to Tajmul Ansari in which one Basarath Hussain, Security Guard was also residing. But it was private arrangement between the concerned workman and Basarath Hussain and there is absolutely no evidence to show that anybody had made any request to allow Basarath Hussain to live with the concerned workman. It is also admitted that in the said quarters some criminals were preparing bombs on 29-9-86 which exploded causing damage to the company's quarters and also causing death of three persons including one Md. Nissar, another Mining Sirdar who was neighbour of the concerned workman. The concerned workman has not examined either Basarath Hussain or any person to prove that actually Basarath Hussain had allowed Md. Nissar and his guests to use the quarter of the concerned workman either to reside or to manufacture any explosive device there. It is the concocted story of the concerned workman that actually Basarath Hussain had allowed Md. Nissar and his guests to occupy the quarters at the time of occurrence. This story appears to be further absurd because after the second shift duty Tajmul Ansari, the concerned workman, was to return in his quarters and because Basarath Hussain was himself a guest of Tajmul Ansari why he would allow other persons to occupy the quarters of the concerned workman. It is quite absurd and unbelievable story of the concerned workman. Since the quarter was allotted to him in which there was a bomb blast a reasonable and fair inference can be drawn that criminals were residing in the said quarters for manufacturing of bombs with tacit approval of the concerned workman. Therefore, in my opinion, the finding of the Enquiry Officer is quite reasonable and fair and does not appear to be perverse. Therefore the alleged misconduct is well established against the concerned workman.

7. The concerned workman has filed judgement of Criminal Court from which it appears that he was prosecuted U/S. 3/5 of the Explosive Substance Act read with Sec. 120(B) of the I.P.C. in which he was acquitted only because the most of the witnesses turned hostile. In the said criminal trial there was no charge of causing damage to the company's property by expressly or impliedly allowing the criminals to use for manufacturing of bombs, therefore by that acquittal the concerned workman cannot be let off; specially when the management has been able to prove the charge of misconduct against the concerned workman by adducing cogent and reliable evidence. Therefore, in my opinion, the charge of misconduct is established against the concerned.

8. Now coming to the quantum of punishment I find that the misconduct is of a very grave nature and in my opinion there should not be any other punishment than the dismissal from service. Therefore, in my opinion, the action of the management in dismissing the concerned workman from service is well justified.

9. In the result I render—

AWARD

That the action of the management of Project Officer of Kujli Colliery of M/s. C.C. Ltd. in dismissing Tajmul Ansari, ex-Mining Sirdar, with effect from 5-7-1986 is legal and justified and he is not at all entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.प्र. 3572—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैसर्स टिस्को लिमि. के प्रबन्धकों के संबंध निरोधकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट आयोगिक विवाद में केन्द्रीय सरकार आयोगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-20012/(254)/91-आई.प्र. (सी-I)]

श्रीमान सुन्दर गुप्ता, अवर सचिव

New Delhi, the 18th November, 1999

S.O. 3572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. TISCO Ltd. and their workman, which was received by the Central Government on 17-11-99.

[No. L-20012/(254)/91-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 134 of 1991

PARTIES:

Employers in relation to the management of Bhelatand Colliery of M/s. TISCO Ltd.

AND

Their Workmen.

PRESENT:

Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers: Shri B. Joshi, Advocate.

For the Workmen: Shri S. N. Goswami, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dated, the 4th November, 1999

AWARD

By Order No. J-20012(254)/91-I.R. (Coal-I) dated the 26th November, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Bhelatand Colliery of TISCO Ltd. in terminating the services of Jumed Khan, H.E. Operator w.e.f. 1-2-1991 is justified? If not, to what relief the workman is entitled?"

2. The brief facts giving to this reference is that the concerned workman, Jumed Khan, was H.E. Operator at Sijua/Bhelatand Colliery of M/s. TISCO. He was found to be in unauthorised possession of company's quarter No. PA-2 at New Miner's Colony, Bhelatand and was asked to vacate the same within 72 hours by the concerned authorities of M/s. TISCO collieries, but he did not vacate the quarter. Then

he was submitted a chargesheet No. 150 dated 5-8-84 for disobeying the orders of the competent authority and thereby committed a misconduct under Clause 19(1) of the Company's Standing Orders. An enquiry was conducted and the charge levelled against him was established. Accordingly he was suspended for ten days with effect from 17-1-85 and was directed to vacate the said quarter, but in spite of that he did not vacate the said quarter and continued in unauthorised possession of the said quarter. Then again a chargesheet was submitted to him giving details of the allegation being Chargesheet No. 1 dated 29-12-89/2-1-90 under the signature of the Manager (Operation), Bhelatand Colliery. The concerned workman submitted his reply admitting that he is in possession of PA-2 quarter at Bhelatand colliery, but he was made to live in that quarter by one Rajendra Babu, Clerk of the said colliery. The reply of the concerned workman was found unsatisfactory, therefore the Manager (Operation) of Bhelatand colliery constituted a domestic enquiry and the concerned workman was informed about this decision. The enquiry was conducted by Sri N. N. Jha, Sr. P.O. (P), Bhelatand Colliery who found the concerned workman guilty of the misconduct and on such finding the concerned workman has been dismissed from service with effect from 1-2-1991 by the Agent of Sijua Group of TISCO collieries by letter dated 22/23-1-91. Against this dismissal order the concerned workman has raised this industrial dispute.

3. According to the concerned workman, it is admitted that he was occupying the company's quarters No. PA-2 at new miner's colony, but according to him the correct number of the said quarters is PA-2 No. 4. Further according to him he has made application for allotment of quarter to the company, but the company did not provide him with a quarters although the juniors to him have been allotted quarters. But according to the management, since he did not earn sufficient points for allotment of quarters he was not allotted any quarters. Further case of the concerned workman is that he is residing in the said quarters on the advice of one Rajendra Babu, Clerk of company's colliery and for that quarter rent is being deducted from his wages by the company. It is further admitted that he has not been allotted with the said quarters. Further according to the concerned workman the domestic enquiry was improper and unfair because the Manager (Operation) has got no authority to issue chargesheet or constitute enquiry and he was not given proper opportunity to defend himself by cross-examining the witness and adducing evidence in his defence. However, when the fairness and propriety of the domestic enquiry was taken up as preliminary issue the concerned workman conceded that the domestic enquiry conducted by the management is fair and proper. Therefore an order has been passed holding the domestic enquiry fair and proper by order dated 2-1-1995. In spite of that in the written argument the concerned workman had tried to re-agitate the matter by saying that the Manager (Operation) is not a Manager of the colliery and therefore he is not competent either to issue chargesheet or to constitute an enquiry. Since the concerned workman has admitted the fairness and propriety of the domestic enquiry and the same has been held to be fair and proper, therefore the competency of the Manager (Operation) to issue chargesheet and constitute domestic enquiry cannot be re-agitated by the concerned workman. Accordingly this aspect of the case cannot be re-opened when a specific order has been passed holding the domestic enquiry to be fair and proper. When the domestic enquiry has been held fair and proper, now the only thing is to be considered is that whether on reappreciation of the evidence on record the finding of the enquiry officer is justified and is so whether the punishment awarded to the concerned workman is proportionate to the alleged misconduct committed by him.

4. Therefore the point for consideration in this reference case is whether the charges of misconduct have been proved and if so whether the punishment is proportionate to the alleged misconduct.

5. The management has examined the Enquiry Officer and has produced the entire file concerning the domestic enquiry. Ext. M-1 is Chargesheet No. 1 dated 29-12-89/2-1-90. Ext. M-2 is the explanation dated 16-1-90 submitted by turned Khan, concerned workman. Ext. M-3 is the Office copy of

enquiry notice issued to the concerned workman which is dated 21/28-3-90. Exts. M-3/1 to M-3/5 are the notices of enquiry issued to the concerned workman on different dates. Ext. M-5 is the enquiry proceeding and Ext. M-7 is the order of dismissal dated 22/23-1-91. Ext. M-6 is the original enquiry report dated 9-10-90 submitted by the Enquiry Officer and Ext. M-8 is the certified Standing Orders of the Company.

6. From the proceedings of the enquiry it appears that the management has examined witnesses, namely, Prabin Kumar and R. P. Lal, Clerk, who have clearly stated that the concerned workman is staying in company's quarters No. PA-2 at new miner's colony unauthorisedly. They have not been cross-examined by the concerned workman in spite of the chance given to him. The concerned workman has also himself deposed in this case and he has admitted that he is residing in the said quarters without any allotment letter. He has also admitted that prior to this chargesheet he was suspended for ten days for unauthorised occupation of the said quarters and in spite of several written orders served upon him he has not vacated the said quarter. Ext. B is the suspension order for ten days dated 16-8-89 and he was directed to give vacant possession of the said quarters within seven days, but yet the concerned workman did not vacate the quarter. Ext. C is the proceeding of earlier domestic enquiry.

7. Thus, from the materials on record, I find that the concerned workman is in unauthorised occupation of company's quarters and in spite of the written order to vacate the same he has not vacated the said quarters. Thus he has disobeyed the order of his superior in that matter and therefore the alleged misconduct under Clause 1 of the Clause 19 of the Certified Standing Order has been established. Therefore, the finding of the management is just, reasonable and not at all perverse.

8. Now, so far punishment is concerned it appears that the punishment of dismissal appears to be a bit harsh. No doubt, earlier the concerned workman was suspended for ten days for similar disobedience and was directed to vacate the quarters of the company which was in his unauthorised occupation, but the capital punishment of dismissal does not justify. The management could have suspended him for a period till he vacates the said quarter or could have imposed him penal rent either at the market rate or ten times of the company's rate, but the dismissal order does not appear to be justified. However, such situation occurred due to arrogant attitude of the concerned workman by which he has not obeyed the order of the superior and vacated the quarters. This may be because of the fact that near the work site he may not be getting private accommodation. However, the action of the management in dismissing the concerned workman cannot be justified. Therefore the concerned workman deserves to be reinstated in service but as a punishment to his arrogant attitude he will not be entitled to any back wages.

9. In the result, I render this—

AWARD

That the action of the management in dismissing the concerned workman is not justified and he is entitled to be reinstated in service without any back wages and without continuity of service.

Accordingly, the management is directed to reinstate the concerned workman into his employment within two months from the date of publication of the award. The concerned workman if has not vacated the said quarters will now then the company shall be at liberty to realise rent from him at the market rate or ten times of the company's rent as a penal rent whichever is lesser from the concerned workman till he vacates the quarter or becomes entitled for allotment of company's quarters.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.प्र. 3573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ईस्ट-वेस्ट एअरलाइन्स के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 17-11-99 को प्राप्त हुआ था।

[सं. एल-11012/39/97-आई.आर. (सी.-I)]

श्याम सुन्दर गुप्ता, अवर सचिव

New Delhi, the 18th November, 1999

S.O. 3573.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of East West Airlines Ltd. and their workman, which was received by the Central Government on 17-11-1999.

[No. L-11012/39/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
CHENNAI

Wednesday, the 6th day of October, 1999

PRESENT:

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal,
Industrial Dispute No. 156 of 1998

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of East West Airlines Ltd., Madras-34.)

BETWEEN

Thiru K. Makil Raju,
C/o R. Davarajan,
2/89/E, Theerthakarai Road,
Nelvayal,
Red Hills,
Madras-600052.

AND

The General Manager,
East West Airlines Ltd.,
9, Kodambakkam High Road,
Madras-600034.

REFERENCE:

Order No. L-11012/39/97-IR(C-I), Ministry of Labour,
dated 7-12-1998, Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and both parties being absent, this Tribunal passed the following:

AWARD

This reference has been made for adjudication of the following issue:

"Whether the action of the management of M/s. East West Airlines Ltd., in terminating Sh. Makil Raju from service with effect from 7-6-96 is justified or not? If not justified to what relief is the workman entitled?"

Respondent received notice of hearing for 14-5-1999 but remained absent till this day. All notices to Petitioner and

present notice to Respondent returned unserved. There is no other way to serve the notices. Hence the Industrial Dispute is dismissed.

Dated, this 6th day of October, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 19 नवम्बर, 1999

का.प्र. 3574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-22012/14/94-आई.आर. (सी.-II)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 17-11-1999.

[No. L-22012/14/94-IR(C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/72/94

Presiding Officer: Shri D. N. Dixit
Branch Secretary, RKKMS,
Block No. 15, Qr. No. G-74
SECL, Korba
PO Korba Colliery,
Distt. Bilaspur.

.... Applicant

Versus

General Supdt.,
Central E & F Workshop,
SECL, Korba,
PO Korba Colliery,
Distt. Bilaspur.

.... Non-applicant

AWARD

Delivered on this 30th day of September, 1999

1. The Government of India Ministry of Labour vide order No. L-22012/14/94-IR(C, II) dated 11-5-94 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Central E & M Workshop SECL, Korba in superannuating Shri J. Anthony, Ex Foreman Incharge from service w.e.f. 5-9-93 is justified? If not, what relief the workmen concerned is entitled to?"

2. The case of the workman Shri J. Anthony is that his date of birth is 11-1-40. The management has recorded his date of birth as 5-9-33 which is wrong. As per school certificate his date of birth is 11-1-40. The same is recorded in the marksheet of higher secondary school certificate examination. In the Identity Card of the workman, this date of birth is recorded. When the workman joined the services on 4-5-62, he has given the central certificate which mentioned his date of birth as 11-1-40. The management has ignored this central certificate and arbitrarily recorded 5-9-33 as his date of birth. The workman has filed an appli-

cation on 19-8-87 to the management for correction of his date of birth but it has not been done. The workman has been retired from service on the effect from 5-9-93. He has been deprived employment from 5-9-93 till 11-1-2000, on which date he should have retired according to his correct date of birth. The workman claims wages from 5-9-93 to 11-1-2000 and correction of his date of birth in the records of the management.

3. The case of the management is that when he was initially appointed in the year 62, he had given his age as 28 years to the management. According to particulars given by the workman, his date of birth was recorded in the year 62 as 5-9-33. This has been signed by the workman. The workman was transferred from Berkakana to Korba in the year 65. In the year 1965, for the second time form B register was prepared and in this register also, the date of birth of the workman was recorded as 5-9-33. This again is signed by the workman. In the year 1982, the workman's date of birth was notified and objections were invited. The workman did not submit any objection in respect of his date of birth. In the year 85, the workman for the first time challenged his date of birth. The matter was referred to ADC. By report dated 7-4-85, the ADC confirmed the date of birth of the workman as 5-9-33. The second time in the year 88, the application of the workman was referred to ADC confirmed the date of birth of the workman was correctly recorded in the management record. After 17 years of service with the management, in the year 1979, the workman obtained and produced certificate of higher secondary examination. This document is fabricated and does not help the workman. From 85, till his retirement the workman has not raised objection about his date of birth. According to management, the contention of the workman is false and it is outcome of his greed.

4. The workman was given an opportunity to prove his case on 14-3-96, 20-1-98, 17-2-99, 19-4-99, 16-6-99, 4-8-99 and on 29-9-99. The workman has produced no evidence. Infact he remained on 29-9-99, 4-8-99 and on 17-2-99. Thus the workman failed to prove his case though many opportunities were given to him. It seems that the workman has lost interest in persuing the present case.

5. The workman was employed by the management on 16-4-62. The certificate Annexure B filed by the workman is of board of Secondary Education, MP Bhopal for the year 1979. This certificate records the date of birth of the workman as 11-1-40. The Board of Secondary Education mentions the same date of birth which is shown by the student in the Examination form. This entry is never varified by the board. They believe the student and mention the date of birth. Thus marksheet Ex B will not prove that the real date of birth of the workman was 11-1-40.

6. The workman has produced Ex-A which is a personal Certificate issued by public convent, chethamline, Allahabad. This has been issued on 24-11-85. It means that this transfer certificate has not been shown to the Board of Secondary Education, MP for the marksheet of year 1979. Again after putting in 23 years of service with the management, the workman has taken this certificate and produced it to management. This certificate is clearly after thought and not a satisfactory evidence of date of birth of the workman. The workman has signed two form B records in which his date of birth has been shown as 5-9-33. 2 times the matter has been referred to ADC in the year 85 and 88. Both the times, the ADC confirmed the date of birth of the workman as 5-9-33. Thus the management has given the workman sufficient opportunity to prove his date of birth as 11-1-40 and the workman miserably failed to prove it. The record of the management is correct and regular.

7. The workman has no case. The award is given in favour of the management. Workman to pay Rs. 1000 cost to the management for this case.

8. Copies of award be sent to Ministry of Labour as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3575.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, जबलपुर के पंचट को प्रकशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-22012/23/91-आई. प्रार. (का.-II)]

एस.एस. गुप्ता, भंडार सचिव

New Delhi, the 19th November, 1999

S.O. 3575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SEC Ltd. and their workman, which was received by the Central Government on 17-11-1999.

[No. L-22012/23/91-IR(C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/27/95

Presiding Officer: Shri D. N. Dixit
Shri Kiran Paul,
Though: The Secretary,
RKKMS (INTUC),
Distt. Bilaspur.

...Applicant.

Versus

The Dy. General Manager,
SFCL, Manikpur Colliery,
Distt. Bilaspur.

...Non-Aplicant.

AWARD

Delivered on this 29th day of October, 1999

1. The Government of India Ministry of Labour vide order No. L-22012/23/91-IR(C. II) dated 2-2-95 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Manikpur Colliery SECL in not promoting Shri Kiran Paul to the post of Leading Supervisor Grade-C in 1979 is legal and justified? If not what relief the concerned workman is entitled to?"

2 Both the management and the workman filed a joint application stating that a No dispute Award be passed. Since the matter has already been settled between both the parties, No Dispute Award is passed. Parties to bear their own cost.

3 Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3576.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार इन्ड्यू. सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम जबलपुर

के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल.-21012/45/86-डी-III]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 17-11-99.

[No. L-21012/45/86-D-III]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/117/97

Presiding Officer : Shri D. N. Dixit.

The General Secretary,
M.P.K.K.M. Panchayat (HMS),
PO Jannardeo,
District Chhindwara (MP).

...Applicant.

Versus

The General Manager,
Kanhani Area WCL.,
PO Dungaria,
District Chhindwara.

...Non-applicant.

AWARD

Delivered on this 27th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-21012/45/86-D-III dated 23-7-87 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Kanhani Area WCL, PO Dungaria, district Chhindwara in dismissing Shri Nanhe Khan S/o Shri Chote Khan, Clerk Grade II from service w.e.f. 4-9-83 is justified? If not to what relief is the workman concerned entitled?”

2. According to Union, Shri Nanhe Khan was Clerk Grade II and was posted in the regional workshop in the year, 1981-82. The store of the workshop was not in the exclusive charge of the workman. After his duty hours, the workman used to handover the keys of the store to the executive engineer (E&M). The store was operated by the officer and other employees. The workman reported on 1-11-82 the loss of 63 milling cutters from the store in writing. A chargesheet was issued against the workman on 19-1-83. A departmental enquiry was held against him and the workman was found guilty of the charges. His services has been terminated by order dated 23-9-83. According to workman the procedure adopted in the enquiry is illegal and irregular. The termination order has been passed by the Personnel Manager who is not competent to dismiss the workman. The workman prays for reinstatement and back wages.

3. The case of the management is that the workman was in the complete control of the store of the Regional workshop and the material placed therein. On 1-11-82, a surprise inspection of the store was made by Sr. Executive Engineer and it was found that there was a shortage of milling machines cutters of various sizes valued at about Rs. 30,985. A chargesheet was issued to the workman on 19-1-83 and a DE was ordered. The workman replied to the charges. In the enquiry, the enquiry officer found the charges proved and submitted his report to the competent authority. The competent authority gave the punishment of dismissal to the workman on

23-9-83. The procedure adopted in the DE is valid and legal. The termination of the workman is in proportion to the misconduct committed by him. The management seeks that the punishment given to the workman be confirmed and award be given in their favour.

4. This court vide order dated 11-3-92, has held that the procedure adopted in the DE is viciated. The management was given permission to prove the misconduct in the court.

5. The chargesheet dated 19-1-83 is Exhibit M. II. It states that there was a shortage of milling cutters worth Rs. 30,985 in the store numbering 03 on 1-11-82. This store was in the exclusive charge of the workman. The workman has thus committed theft of this article and caused loss to the management.

6. The management examined Shri Ajit Kumar, Sr. Executive Engineer in the DE. He was cross examined by co-worker of the workman. The management further examined Shri Mahendra Singh, Executive Engineer in the DE. He was also cross examined by the co-worker of the workman. The management also examined Shri Krishnath Mukherjee, Superintendent Engineer in the DE and he was also cross examined by the co-worker of the workman.

7. From the evidence on record it is established that the cost of missing 63 milling cutters on 1-11-82 from the store was Rs. 30,985. This store was in the full control of the workman. The Almirah in which the milling cutters were kept and be reached by opening two locks. The keys of both the locks was in exclusive possession of the workman. Thus the workman was responsible for the custody and loss of these 63 milling cutters. Shri K. N. Mukherjee, Superintendent Engineer, has stated in the Enquiry Proceedings that he has visited the store on 1-11-82 and found that all the locks of the store were in the proper places. He has given in writing to workman on 12-1-82 to keep the key of the store in his custody. That the exclusive possession of the workman on the articles kept in the store is proved by the management. The responsibility of loss of 63 milling cutters is on the workman. The obvious inference is that either the workman has stolen the milling cutters himself or they have been removed due to carelessness. The charges levelled against the workman vide Exhibit M-14 stand proved by the evidence produced by the management in court.

8. The workman has caused loss of Rs. 30,985 to the management. In such a state of affairs, punishment of dismissal is adequate and proportionate. The punishment is legal and proper.

9. The award is given in favour of the management. Parties to bear their own cost.

10. Copies of the award be sent to the Ministry of Labour, Government of India as per rule.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संवद्ध निशेधकों और उनके कर्मचारों के बीच, अन्वय में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम जब्तपुर के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल.-22012/38/97-आई.आरसी-II)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 17-11-99.

[No. L-22012/38/97-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

No. CGIT/LC/R/135/98

Presiding Officer : Shri D. N. Dixit.
71 Workers through :
Secretary,
Sanyuktha Khadan Mazdoor Sangh,
Sohagpur Area,
District Shahdol.

...Applicant.

Versus

General Manager,
Sohagpur Area, SECL,
Post, Dhanpuri,
District Shahdol.

...Non-applicant.

AWARD

Delivered on this 29th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/38/97-IR C-II dated 16-7-98 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the General Manager, SECL, Sohagpur Area in extending the period of so-called apprenticeship beyond one year in relation to 71 workers is legal and justified? If not, what reliefs are the workmen entitled to?”

2. The Union remained absent continuously w.e.f. 15-9-99. It seems that the Union is not interested in pursuing the matter. In view of the above, a No Dispute Award is passed. Parties to bear their own cost.

3. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3578:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय-सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल-22012/68/89-आई.आर. (सी.-II)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3578:—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-11-99.

[No. L-22012/68/89-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR, (MP)

No. CGIT/LC/R/189/89

Presiding Officer : Shri D. N. Dixit.
Shri Ajai Das, Clerk Grade-II,
Birsinghpur Colliery,
PO Birsinghpur Pali,
District Shahdol (MP).

...Applicant.

Versus

The Manager of Birsinghpur Colliery,
PO Birsinghpur Pali,
District Shahdol (MP).

...Non-applicant.

AWARD

Delivered on this 7th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/68/89-IR C-II dated 27-9-89 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Birsinghpur Colliery of M/s. SECL in terminating services of their workman Shri Ajai Das, Grade-II Clerk from 15-9-88 is legal and justified? If not, to what relief the workman concerned is entitled?”

2. The case of the workman is that the charge sheet was given to him alleging that he has committed theft of the coal on 14-2-87 and caught red-handed. The workman denied the charge and an enquiry was held. In the enquiry, he was not given full opportunity to defend himself. The workman was not given all the relevant papers. The enquiry was irregular and improper and against principles of natural justice. On the basis of enquiry, the competent authority found the workman guilty and dismissed him from service. The workman preferred and appeal which was rejected. According to workman, his dismissal from service from 15-9-86 is illegal and reliefs to be quashed. The workman claims reinstatement and back wages.

3. The case of the management is that on 14-12-87, in the Birsinghpur Colliery of SECL at about 10.30 AM, Shri Yogeshwar Jha, Head Clerk Guard saw one truck at Bhagwat Dafai. The witness found that about 9-10 tonnes of coal was lying on the ground and they were being loaded on the truck on the instructions of the workman. The workman has no authority of permission to load the coal, the ownership of which was with the management. The workman could not give a satisfactory answer about the possession of the coal belonging to the management. A charge sheet was given to the workman to which he filed the reply and denied the allegations. An enquiry was held in which the workman participated and cross examined all the 4 management witnesses. The workman was given full opportunity to defend himself in the enquiry. The Enquiry Officer found the workman guilty and submitted his report. The Competent Authority agreed with the findings of the enquiry officer and terminated the services of the workman from 15-9-86. The punishment given to the workman is in proportion to the misconduct. The management prays that the order of punishment be confirmed and the award be given in their favour.

4. This court by order dated 15-9-95 has found that the DE conducted by the management against the workman is legal and proper.

5. In the DE, Shri Yogeshwar Jha has stated that he found the workman supervising the loading of the coal in a truck on 14-2-87. When he enquired from the workman about the ownership of the coal, the workman could not give a satisfactory answer. It was for the workman to explain how he got the possession of the coal. This coal was brought from the mine of the management. The version of Shri Yogeshwar Jha is supported by management witness Shri Mangal Prasad and the management witness Shri S. S. Mishra. On all material particulars by reading the statement of these

3 witnesses, it becomes clear that the management has proved the misconduct of the workman.

6. The evidence on record clearly establishes the misconduct of the workman. The findings of the Enquiry Officer are proper and based on evidence. The workman could not point out any flaw in the findings of the Enquiry Officer. I accept them and it is proved that the workman has committed the misconduct.

7. The workman has pointed that for the same misconduct, a criminal case was registered against him and he has been acquitted in this case by the court and hence the misconduct in the DE stands not proved. In the criminal case, the management witnesses Shri Yogeshwar Jha and Shri S. S. Mishra were not examined thus the inference of not guilty was arrived because of the failure of the prosecution to examine these two witnesses before the criminal court. Thus the verdict of the criminal court and the enquiry officer are different because the two eyewitness were not examined before the criminal court.

8. The workman has committed theft of the management property. This misconduct deserves only the punishment of dismissal from service. No management can have confidence in an employee who indulges into theft of the property of management. The quantum of punishment given to the workman in proportion to the misconduct committed by him. The workman has no case. The award is given in favour of the management. Parties to bear their own cost.

9. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कामगारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल.-22012/98/97-आई.आर. (सी.-2)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3579.- In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on the 17-11-99.

[No. L-22012/98/97-IR(C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, AT
HYDERABAD

PRESENT:

SRI K. RAJAGOPALA REDDY, B.A., B.L.,
CHAIRMAN.

DATED : 30th September, 1999

I.D. No. 28 of 1998
(CENTRAL)

Between :—

Shri R. Rajaram,
Vice President,
Andhra Pradesh Colliery Mazdoor Sangh,
(INTUC),
GODAVARIKHANI-505209

.. PETITIONER.

AND

The General Manager,
M/s. S.C.C. Limited,
Ramagundam-I,

GODAVARIKHANI-505209.

.. RESPONDENT.

APPEARANCES :

Sri G. Vidya Sagar, Advocate for Petitioner.

Sri J. Parthasarathi, Advocate for Respondent.

AWARD

1. This is a reference made by the Government of India, under clause (d) of Sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide Order No. L-22012/98/97-IR (C.II), Ministry of Labour, dated 11-03-1998 for adjudication of the following dispute as mentioned in the schedule thereto :

"Whether the action of the General Manager, M/s. SCCL., RG-I, Div. Godavarikhani in dismissing Sh. Rendla Laxman, Badli Filler, GDK. No. 1 Incline w.e.f. 5-11-96 is justified or not? And whether he is entitled for reinstatement with backwages and other consequential benefits?

If not, to what relief he is entitled?"

2. The Petitioner filed claim statement stating that he was appointed as Badli Filler under the Respondent Management at Godavarikhani No. 1 incline of Ramagundam Division No. 1 in the month of January, 1991 and was performing his duties without any adverse remarks. While so, the Petitioner fell sick from 1994 and was taking treatment from the Area Hospital. While so the management issued a Chargesheet dated 16-06-1995 to the petitioner alleging unauthorised absence without sufficient cause. The Petitioner submitted an explanation to the said Chargesheet and the same was not considered by the Management. The enquiry was conducted and finally the Petitioner was dismissed from service with effect from 05-11-1996 by the Respondent by proceedings dated 31-10-1996. Since the said dismissal order is ex-facie, illegal, unjust and arbitrary, the Petitioner raised conciliation proceedings before the Assistant Commissioner (Central) Mancherial. Since the Conciliation proceedings ended in failure due to non participation of the management therein the Government of India in the Ministry of Labour by order dated 11-03-1998, referred the dispute to the Industrial Tribunal, Hyderabad to decide :

"Whether the action of the General Manager, M/s. SCCL., RG-I, Div., Godavarikhani in dismissing Sri Rendla Laxman, Badli Filler, GDK No. 1. Incline w.e.f. 5-11-1996 is justified or not? And whether he is entitled for reinstatement with backwages and other consequential benefits?

If not, to what relief he is entitled?"

The Petitioner fell sick on account of Jaundice disease and took treatment from the Area Hospital from January, 1994. It is the normal practice for the Area hospital to send the information to the concerned authorities regarding sickness and treatment being given to a worker. However in case of the Petitioner, the Area Hospital failed to do this. Thus it is not correct on the part of the Enquiry Officer to hold that the Petitioner remained absent from duty without informing the management. Chargesheet dated 16-06-1995 issued to the Petitioner states that the Petitioner was absent from duty without sufficient cause. The Petitioner had clearly

stated in the enquiry that he had ailment of jaundice during that relevant period. So it was clearly established that there was ample and sufficient cause for the Petitioner's absence. However the enquiry officer failed to consider this aspect and came to erroneous findings, which are not based on available evidence. The enquiry officer failed to see that there is a reasonable cause existed for the absence of the Petitioner from duty as well as for his inability to communicate and therefore the findings to the contra are not justified. It is further submitted that since the petitioner was suffering from the disease of jaundice and on account of which he had to remain absent from duty. His absence could have been regularised according to leave regulations of the Respondent Company and the Capital punishment is not warranted in the circumstances of the case. The Petitioner's absence from duty was neither want on nor deliberate but only on account of his ill health. Ever since his dismissal from service even from the low paid job he held under the Respondent management, the petitioner was thrown to the streets and he has been finding extremely difficult to make both ends meet as he has not been able to make alternative employment. Taking treatment from a hospital other than the company hospital cannot be treated as misconduct. It is therefore prayed that the action of the Respondent-Management in dismissing the Petitioner from service by proceedings dated 31-10-1996 as illegal, arbitrary and against the principles of a natural justice and consequently pass an Award directing the Respondent to reinstate the Petitioner into service with back wages continuity of service and other attendant benefits.

3. The Respondent filed counter denying the allegations made in the claim statement and further contended that the Petitioner was habitually absent from duty. The muster shows that in the year 1992 the petitioner attended 175 days, in 1993 only 121 days, in 1994 only 51 days and in 1995 only 17 days and this clearly shows that the Petitioner is not a diligent in discharge of his official duties. Because of his frequent absenteeism a chargesheet bearing No. GDK: 1/6-G/95/1219, dated 16-05-99 was issued under standing order No. 25(25). The Petitioner submitted an explanation and as the same is not satisfactory the Respondent ordered an enquiry. The Petitioner received the notice of enquiry and participated in the enquiry. The enquiry officer submitted his report that the charge framed against the Petitioner is proved. Thereafter the Respondent issued a notice to the Petitioner and after receiving the representation of the Petitioner to the said notice the Respondent passed the impugned order terminating the services of the Petitioner with effect from 05-11-1996. The Petitioner actually admitted his misconduct in his application of the chargesheet itself and also during the enquiry. The Petitioner did not produce any Medical or other documentary evidence in support of his intention that he fell ill. The Petitioner did not report to any of the Area Hospital in respect of his alleged ill health. The Petitioner is a full pledged company hospital at Ramagundam. These hospitals are meant for the company employees. Neither the Petitioner used the same nor did he produce any proof of undergone any medical treatment of any kind. The petitioner even did not inform the Management about his ill health in the entire period. The Petitioner never put in 190/240 muster's during his entire service with company. It is not true that the Petitioner has taken treatment in the company Hospital during the year 1994. It is true that the Hospital authorities would have sent the details about the sick employees if the sick employee goes to the hospital. In the instant case the petitioner never went to the Area Hospital and hence the question of sending the details does not arise. Even presuming that the Petitioner fell ill he ought to have gone to the Area Hospital which he did not do. Further nothing prevented the Petitioner from informing the management. The Petitioner explanation that he was suffering from Jaundice, is unsupported with any evidence. The Petitioner cannot claim regularisation of his absence from his duty as a matter of right. The Petitioner was negligent and irresponsible in discharging his duties. The enquiry that was held was fair giving full opportunity to the Petitioner to represent his case fully. Hence the enquiry is valid one. It is further submitted that the misconduct of the Petitioner is proved beyond reasonable doubt. Respondent after due consideration of the entire service and past record of the petitioner along with the findings of the enquiry officer

came to the legal and proper conclusion that the Petitioner was guilty of misconduct as charged. The action of the Respondent in dismissing the Petitioner in service is justified in the circumstances of the present case. Hence the Petitioner is not entitled to any relief in this I.D.

4. After hearing both the parties this Tribunal passed an order on 13-7-99 that the Domestic enquiry conducted in this case is valid one. The said order has become final since the same is not being questioned in a appropriate court. Hence the Petitioner cannot contend that the Domestic enquiry conducted in this case is vitiated and the said enquiry is liable to be set aside. Now it is to be seen whether the finding of the Enquiry Officer that the charge levelled against the Petitioner is proved is correct or not. It is to be seen whether the finding of the Enquiry Officer that the charge levelled against the petitioner is proved, one the basis of the evidence available before the enquiry officer.

5. On behalf of the Petitioner one document was got marked as Ex. W1. Ex. W1 is a Medical Certificate given by the Medical Officer Singareni Collieries Limited. On behalf of the Respondent Ex. M1 to M11 are got marked. The counsel for the petitioner and also for the Respondent submitted arguments.

6. The charge levelled against the petitioner as per the chargesheet dated 16-06-1995 (Ex. M1) is that the Petitioner have put in only 51 days of attendance during the year 1994 and the record shows that the Petitioner is in the habit of absenting from the duty. The chargesheet contains the details for how many days the petitioner was absent in every month of 1994. In fact the Petitioner worked two days in the month of January, 1994, 6 days in the month of February, 1994, in the month of March only 7 days, in the month of April, 2 days, in the month of May 8 days, in the month of June 5 days, in the month of July 6 days, in the month of August 13 days only in the month of September 4 days. Even the Petitioner did not work even a single day in the month of October, November and December, 1994. In all the Petitioner worked for 51 days in the entire year of 1994. Ex. M1 further disclosed that the Petitioner is in the habit of absenting from duty frequently which amounts to misconduct under C.S.O. No. 25(25) which reads as "Habitual late attendance or habitual absence from duty without sufficient cause". After receiving Ex. M1 the Petitioner gave a reply as in Ex. M3. Ex. M2 is the acknowledgement of the Petitioner for the receipt of Ex. M1. In Ex. M3 the Petitioner has admitted that he did not attend for duty since he was suffering with jaundice and he will be careful in future in attending to his duties and he may be excused for his lapses. Thereafter an enquiry was ordered by the Respondent. Ex. M4 is the notice to the Petitioner to appear before the Enquiry Officer on 13-12-1995. Ex. M5 is the acknowledgement of the petitioner for the receipt of the Ex. M4. The Enquiry Officer recorded the statements and conducted an enquiry on 13-12-1995 in the presence of Petitioner herein. In fact the enquiry Officer recorded the statement of the Petitioner on 13-12-1995. The Enquiry Officer recorded the statement of B. Rajalah, Office Superintendent of the Respondent Company and also one Mr. K. Chandramouli, Clerk Grade-I of the Respondent company to prove that the petitioner was absent for duty on so many days from the month of January, to December, and the Petitioner worked only 51 days for the entire year of 1994. Even the Petitioner did not deny about his absence during that period. The relevant portion of the statement of the Petitioner recorded by the Enquiry Officer during the course of Enquiry reads as follows:—

"It is fact that I remained absent from duty on the all days mentioned in the said chargesheet without sanctioned leave as I was not feeling well due to Jaundice. I have suffered a lot due to the disease. I have not reported sick in the Company's hospital for treatment, as I was taking treatment at Private Doctor".

The above statement of the Petitioner would disclose that he was absent for the days shown in the chargesheet and the same was due to his sickness since he was suffering with jaundice. It is also clear from the above statement of

the Petitioner before the Enquiry Officer that he did not report sick before the Respondent hospital and he took treatment with a Private Doctor. Even the Petitioner has stated before the enquiry officer that he did not produce any certificate before him (Enquiry Officer) to show that he took treatment for the jaundice in the private hospital during that period. Basing on the evidence available on record and taking the statement of the Petitioner into consideration the enquiry officer have come to a conclusion that the Petitioner was absent for duty without any just cause and reason and the charge framed against the Petitioner was proved. It is also the finding of the Enquiry Officer that his unauthorised absence of the Petitioner would amount to misconduct as per standing orders 25.25. At this juncture it is relevant to go through the Standing Order 25.25 which reads as follows.

"Habitual late attendance or habitual absence from duty without sufficient cause".

The contention of the Respondent counsel is that the Petitioner was habitually absent from duty without sufficient cause which amounts to misconduct as per standing orders 25.25, and hence the Respondent terminated the services of the Petitioner. The same is justified. Where as the contention of the petitioner counsel is that the petitioner could not attend to his duties during that period due to sickness as he was suffering with jaundice, at that time. The contention of the petitioner counsel is that the petitioner took treatment in the Area Hospital at the first instance and the Area Hospital has to send the information to the concerned authorities of the Respondent Management regarding sickness and also the treatment that was taken by the Petitioner. In the present case the Area Hospital failed to inform the same to the concerned authorities of the Respondent Management. Whereas the contention of the Respondent counsel is that the petitioner did not attend to the Area Hospital and the Respondent Management did not receive any information from the said Area Hospital stating that the Petitioner took treatment in that hospital for a particular period. At this juncture it is also relevant to state that the Petitioner did not produce any oral or documentary evidence to prove that he took treatment in the Area Hospital for a particular period. No doubt the petitioner got marked Ex. W1 which is a certificate issued by the Medical Officer, Singareni Collieries Hospital giving the details of the disease and also the period from which the petitioner is unfit and from which period the petitioner is fit. Ex. W1 would disclose that one R. Laxman was unfit to the duty from 2-9-96 and he is fit for duty from 22-9-96. Even the said Laxman was absent to attend the said Hospital for some period which is borne out from Ex. W1. Whether the petitioner was suffering with disease in the month of September, 1996 and he is unfit to discharge his duties from 2-9-96 till 23-9-96 is not the criteria to decide the point in this I.D. because the Petitioner was removed from service for the absenteeism for duties during the period specified in the charge. The charge framed against the petitioner is that the petitioner was absent for duties from January, 1994 to December, 1994, and during that period he worked only 51 days and absent for the remaining days of that year. The petitioner herein has not filed any document to show that he took treatment in the said hospital from the month of January, 1994 to December, 1994. The petitioner has not filed any other document to show that he was sick from January, 1994 to December, 1994 as he was suffering with jaundice. The petitioner has stated that he took treatment for the said jaundice in a private hospital at his native place. But the petitioner has not filed any proof that he took the treatment in a private hospital near to his native place. No material is placed to show that the petitioner has informed about his sickness to the respondent authorities. Under those circumstances it can be said that the Petitioner was absent for duties for the period shown in the charge-sheet and the same is unauthorised absence. Here the finding of the enquiry officer that the charge framed against the petitioner is proved is perfectly correct and needs no interference by this Tribunal.

7. Now coming to the punishment in this case the Respondent terminated the services of the Petitioner. The contention of the Petitioner counsel is that even the charge against the petitioner is proved, the punishment imposed against the petitioner is disproportionate as it is too harsh. The

contention of the petitioner counsel is that the petitioner is without job since his date of termination. The misconduct on the part of the petitioner is not serious in nature as the petitioner did not attend for duties regularly in the year 1994 and hence a lenient view may be taken with regard to the punishment. Whereas the contention of the respondent counsel is that the petitioner is habituated in not attending for duties and he was absent on so many occasions even prior to 1994 and hence the respondent passed impugned order in terminating the services of the petitioner. It is a fact that the petitioner is out of job even from the date of termination i.e., from 1996. In the circumstances of the present case I am of the view that the punishment imposed on the petitioner is too harsh. Hence the punishment imposed on the petitioner is to be set aside. Admittedly the petitioner is out of job since 1996 till today and the same itself is sufficient punishment and no other punishment is required to the petitioner.

8. In the result I set aside the impugned order dated 31-10-1996 in dismissing the petitioner from service and the petitioner is entitled for reinstatement, with continuity of service cut without backwages. The Respondent is directed to reinstate the petitioner into service with continuity of service without backwages.

Accordingly the Award is passed.

The Award shall come into force U/s 17-A of I.D. Act after one month of publication of the Award.

Dictated to the Stenographer transcribed by her, corrected by me and given under my hand and seal of this Tribunal on this the day of 30th September, 1999.

K. RAJAGOPALA REDDY, Chairman

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

For Petitioner: NIL For Respondent: NIL
DOCUMENTS MARKED WITH CONSENT

For Petitioner: Ex. W1: Medical Certificate No. 4297.
For Respondent:
Ex. M1: 16-06-1995: Chargesheet.
Ex. M2: 05-07-1995: Acknowledgement.
Ex. M3: 10-12-1995: Reply to the chargesheet.
Ex. M4: 06-12-1995: Notice of Enquiry.
Ex. M5: 13-12-1995: Acknowledgement.
Ex. M6: 13-12-1995: Enquiry Proceedings.
Ex. M7: 13-12-1995: Enquiry Report.
Ex. M8: 29-01-1996: Notice.
Ex. M9: 08-02-1996: Acknowledgement.
Ex. M10: 15-02-1996: Explanation.
Ex. M11: 31-10-1996: Dismissal Order.

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3580.—श्रीद्वैत विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल. के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट श्रीद्वैत विवाद में केन्द्रीय सरकार श्रीद्वैत अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल-22017/157/93-आई आर (सी-II)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 19th November, 1999

S.O. 3580.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of NCL and their workman, which was received by the Central Government on 4-11-99.

[No. L-22012/157/93-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/178/93

Presiding Officer : Shri D. N. Dixit,
Shri Harsahay Upadhyay,
Or. No. HB-1,
Near Durg Mandap,
PO Jhingurda Colliery,
District Sidhi.

... Applicant.

Versus

General Manager,
NCL, Jhingurda Project,
District Sindhi.

... Non-applicant.

AWARD

Delivered on this 8th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/157/93-IR (C-II) dated 1-9-97 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the General Manager, Jhingurda Project of NCL in dismissing Shri Harsahay Upadhyay S/o Ramalal Upadhyay Dumper Operator, from company services w.e.f. 31-10-91 is illegal and justified? If not, what relief the concerned workman is entitled to?"

2. According to workman Harsahay Upadhyay, he was working as Dumper Operator in Jhingurda Colliery of Northern Coal Fields Ltd. in the month of July 1991 onwards. A charge sheet was given to him on 23-8-91 alleging that he has committed rape on Kumari Sarita a minor girl, public drinking, gambling in a public place and rough behaviour. The workman denied the charges and the DE was held against him. The workman participated in this enquiry. According to workman, the enquiry was not conducted according to principles of natural justice. He has not been given copies of all the documents. A criminal case was initiated against the workman for the offence of rape and hence this cannot be considered in the DE. The finding of the Enquiry Officer is perverse on the basis of this report, the competent authority dismissed the workman from service by order dated 30-10-91. The workman challenges this order. The workman wants that order dated 30-10-91 be quashed and he be paid wages from this date till re-employment.

3. The case of the management is that the workman committed rape on a minor girl namely Kumari Sarita on 11-7-91. The persons residing in the colony of the colliery submitted a report that the workman indulges into anti-social activities. On both these accounts, the workman was issued a charge-sheet. The workman denied the charges. A Departmental Enquiry was held in which workman participated. The management examined witnesses and proved the misconduct. The Competent Authority imposed punishment of dismissal from service on the workman. The appeal of the workman has been dismissed by the management. The punishment given to workman is in proportion to the misconduct committed by him. The argument of workman that as a criminal case has been filed against him on the same facts charge sheet

cannot be given in a domestic enquiry is against the pronouncements of the Supreme Court. The management seeks confirmation of its actions and award in its favour.

4. On 10-9-98, this court held that the DE conducted against the workman is proper valid and legal.

5. The DE papers, Ex. M-I is the complaint of father of the girl about the fact of rape. Exhibit M-II is the report of the persons living in the colliery that the workman is indulging into anti-social activities. Exhibit M-4 is the copy of the chargesheet. The enquiry proceedings are marked Ex. M-9 and the report of the Enquiry Officer is Exhibit M-10. The management examined 4 witnesses in the enquiry. The evidence given by these witnesses is uniform and it proves that the workman has committed the misconduct stated in the chargesheet. The enquiry officer held that the charges levelled against the workman are proved.

6. On the report of the Enquiry Officer, the competent authority found the workman guilty of misconduct and dismissed him from service. According to workman, the punishment is harsh and severe. The Honourable Supreme Court in the case of Government of Tamil Nadu versus A. Rajapandian reported in 1995-LAB (IC-311) has held as under :

"The Administrative Tribunal set aside the order of dismissal solely on reappraisal of the evidence recorded by the Inquiring Authority and reaching the conclusion that the evidence was not sufficient to prove the charges against the respondent. We have no hesitation in holding at the outset that the Administrative Tribunal fell into patent error in reappraising the going into the sufficiency of evidence. It has been authoritatively settled by string of authorities of this court that the Administrative Tribunal cannot sit as a court of appeal over a decision based on the findings of the Enquiring Authority in disciplinary proceedings. Where there is some relevant material which the disciplinary authority has accepted and which material reasonably support the conclusion reached by the disciplinary authority, it is not the function of the Administrative Tribunal to review the same and reach different finding than that of the disciplinary authority."

7. Thus the punishment given to the workman is in proportion to the misconduct committed by him. Looking into the seriousness of the misconduct, which is rape, no management can have confidence in the workman. Reinstatement of workman is not in the interest of the industry and harmony. The punishment is justified.

8. The incident was reported to police and according to workman it cannot be a subject matter of domestic enquiry. This point has been considered by Honourable Supreme Court in case of Corporation of CTM, Nagpur versus Ramchandra Medek reported in AIR 1984-Supreme Court Page 626. The court has held as under :

The question whether or not as the departmental inquiry pending against the employee involved in this criminal case should be continued even after his acquittal in criminal cases is a matter which is to be decided by the departmental after considering the nature of the findings given by the criminal court. Normally where the accused is acquitted honorably and completely exonerated of the charges it is not expedient to continue a departmental enquiry on the very same charges or grounds or evidence, however merely because the accused is acquitted, the power of the authority concerned to continue the departmental enquiry is not taken away nor its discretion in any way fettered.

Thus in spite of the action in the criminal court, the matter can be considered in the domestic enquiry. More so because the workman has not filed the judgement of the criminal court.

9. The result of the above discussion is that the workman has no case. The actions of the management are confirmed.

The award is given in favour of the management. Parties to bear their own cost.

10. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल-22012/182/91-आई आर (सी-II)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 19th November, 1999

S.O. 3581.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-11-99.

[No. L-22012/182/91-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Presiding Officer : Shri D. N. Dixit.

Case No. C/GIT/LC(R)/149/91

The Secretary,
M. P. Koyla Mazdoor Sabha (HMS),
Post North Chirimiri Colliery,
District Surguja, M.P.

... Union.

V/a.

The Superintendent of Mines/
Manager, North Chirimiri
Colliery, PO North Chirimiri
Colliery, District Surguja, M.P.

... Management.

AWARD

Delivered on this 6th day of October, 1999

1. The Government of India, Ministry of Labour, vide its order No. L-22012/182/91-I.R. (Coal-II) dated 21-8-91 has referred the following dispute for adjudication by this Tribunal:

"Whether the action of the management of North Chirimiri Colliery of Chirimiri Area of SECL, in dismissing from services of their workman Shri Gharbharan, General Mazdoor, North Chirimiri Colliery is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of Shri Gharbharan, the workman is that on 19-11-86 at about 10.30 a.m. he requested Shri M. K. Sharma. Incline Incharge to grant him Casual Leave to go to his home town for the treatment of his wife. This request was

refused by Shri M. K. Sharma and workman proceeded to his home town without leave. In order to take revenge from the workman Shri M. K. Sharma levelled a false charge on the workman that the workman has assaulted Shri M. K. Sharma. The management started an enquiry against the workman. The workman was never intimated the dates of hearing of the enquiry. He was sick from November 1986 to 26-2-87. He has given the Medical Certificate to the management. The workman returned to place of duty on 27-2-87. He has not been allowed to participate in the enquiry. The Enquiry Officer has conducted the Enquiry ex-parte and has denied the workman an opportunity to defend himself. The enquiry is contrary to rules, regulation and principles of natural justice. On the report of the Enquiry Officer the Controlling Officer dismissed the workman from 8-5-87. According to workman he has not been given a chargesheet and he did not know that an enquiry is pending against him. The workman prays that Order of Dismissal dated 8-5-87 be quashed and he be given back wages.

3. The case of the management is that the workman assaulted Shri M. K. Sharma when both of them were on duty on 19-11-86. Shri Sharma filed a written complaint and a DE was held. The workman was intimated about the DE through publication in the newspaper and sending Registered letter to his permanent address. In spite of the knowledge of the date of DE the workman remained absent in the enquiry and he was proceeded Ex-parte. The management produced witnesses and proved the charge. The DE Officer found the workman guilty of the charge and submitted his report. The Competent Authority accepted this report of the DE Officer and dismissed the workman from service w.e.f. 8-5-87. The punishment given to the workman is in proportion to the misconduct committed by the workman. The management prays that workman has no case and Award be given in their favour.

4. This Court vide order dated 18-4-96 has held that the DE held against the workman is just, fair and legal.

5. The management has examined Shri M. K. Sharma, Shri Hanif and Shri Dinesh Sharma in the DE to prove that on 19-11-86 at about 10.30 a.m. the workman hit Mr. Sharma with a mining stick and this caused hurt to Mr. Sharma in the collar bone and chest. The evidence recorded in the Departmental Enquiry proceedings proves that the workman assaulted Shri M. K. Sharma with a stick without provocation. Thus misconduct of the workman is proved. The workman has hit his superior without provocation when both of them were on duty. This is a serious misconduct. If such activity are allowed to take place the maintenance of Industrial peace and harmony will not be possible. Looking to the totality of facts, circumstances and seriousness of the misconduct the punishment given to the workman is just and proper. The punishment is not harsh.

6. The workman has no case. Award is given in favour of the Management, Parties to bear their own costs.

7. Copies of the Award be sent to Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-22012/190/89-आई आर (सी-II)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 19th November, 1999

S.O. 3582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 17-11-1999.

[No. L-22012/190/89-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

No. CGIT/LC/R/270/88

Presiding Officer : Shri D. N. Dixit.

Shri Brij Raj Singh.

... Applicant.

Versus

The General Manager,
Rajnagar Colliery of SECL,
Hasdeo Area.

... Non-Applcant.

AWARD

Delivered on this 28th day of October 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/190/89-IR (Coal-II) dated 11-12-89 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of Rajnagar Sub-Area of Hasdeo Area of M/s. SECL in terminating services of Shri Brij Raj Singh, Explosive carrier, New Rajnagar colliery is legal and justified. If not, what relief the workman concerned is entitled?"

2. The case of the management is that on 16-9-87, the workman Brijraj Singh signed the attendance register but did not work. On 17-9-87, the manager of mine Shri M. N. Majhee asked the workman why he did not work the previous day when his presence is marked. This angered the workman and he hit Shri M. N. Majhee with bricks which caused him injuries. This act of insubordination was reported by Shri M. N. Majhee to the management and a chargesheet was given to the workman. The reply of the workman was not found satisfactory and the DE was ordered against the workman. The workman participated in the DE along with co-worker who cross examined the management witnesses. The workman produced 3 defence witnesses in the enquiry. The Enquiry Officer found the workman guilty of his misconduct and submitted his report. The General Manager of the colliery agreed with the findings of the Enquiry Officer and gave the punishment of dismissal from service to the workman by order dated 2-1-88. According to management every opportunity was given to the workman to defend himself in the DE the punishment given to the workman is in proportion to the misconduct committed by him and according to principles of natural justice. The management seeks the award in its favour.

3. The case of the workman is that the case of the management is false, baseless and fabricated. The management could not prove the charges in the domestic enquiry. There is no evidence on record that the workman assaulted Shri Majhee. The findings of the Enquiry Officer are perverse. The punishment of dismissal is excessive and illegal. The workman wants reinstatement and back wages.

4. This court vide order dated 20-2-96 has held that the DE conducted against the workman is valid, legal and proper. Now only question that remains for adjudication is regarding the perversity of the findings and the quantum of punishment.

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5. The charges against the workman are that he marked his attendance in the register on 16-9-87 but he did not perform his duty on this date. The major charge is that the workman assaulted Shri Majhee, the manager of the mines without provocation.

6. The management has produced 4 witnesses to prove the charges. These witnesses have been cross-examined at length by the co-worker of the workman. Shri Majhee has stated that the workman has assaulted him and he received injuries. In his cross examination, there is no imputation of any motive or ill will. Shri Majhee is supported by Shri Solomon, Harendra Singh and Shri Pohari Singh. Thus the management proved that the workman voluntarily caused hurt to Shri M. N. Majhee, Manager on 17-9-87. The findings of the Enquiry Officer is valid and proper and is hereby confirmed.

7. The present case is one in which an employee has assaulted his superior officer in the course of performance of duty in the coal mines. The coal mines are situated in far away places and maintenance of law and order is of paramount importance. If cases of assault on the officers are treated in a casual manner, the work in the coal mines will come to a halt. The misconduct committed by the workman is of a serious nature and only punishment of dismissal will meet the ends of justice. The quantum of punishment is proper, and legal.

8. The award is given in favour of the management. Parties to bear their own cost.

9. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू.सी.एल. के प्रबंधन के संबंध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-22012/202/92-आई आर (सी-II)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 19th November, 1999

S.O. 3583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 17-11-1999.

[No. L-22012 202/92-IR(C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/194/92

Presiding Officer : Shri D. N. Dixit

Shri Amarlal,
S/o Bhijlal

... Applicant.

Versus

The Manager,
Shivpuri Mine

... Non-applcant.

AWARD

Delivered on this 29th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/202/92-IR(C-II) dated 16-9-92 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Shivpuri Underground of WCL in terminating the services of Shri Amarlal S/o Bhooraj CCM Helper w.e.f. 16-5-89 is legal and justified? If not, what relief the concerned workman is entitled to?"

2. The workman remained absent continuously w.e.f. 23-7-98. It seems that the workman is not interested in pursuing the present case. In view of the above, no dispute award is passed. Parties to bear their own cost.

3. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3584.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एन. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-22012/247/90-आई आर (सी-2)]

एस.एस. गुप्ता, अव्वर सचिव

New Delhi, the 19th November, 1999

S.O. 3584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 17-11-1999.

[No. L-22012/247/90-IR(C-II)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC/R/237/90

Presiding Officer : Shri D. N. Dixit,
Shri R. D. Gupta,
Drill Operator Grade I
Group-B, Gevra Colliery, Korba West,
SECL, Bilaspur.

Applicant.

Versus

Sub Area Manager,
Gevra Colliery Project,
Post Govra Project,
SECL,
Distt. Bilaspur.

Non-applicant

AWARD

Delivered on this 14th day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/247/90-IR C.II dated 14-12-1990 has referred the following dispute for adjudication by this tribunal :—

"Whether the management of Govra Project of SECL, Bilaspur justified in not giving Shri R.D. Gupta Drill Operator the basic pay of Rs. 40.79 per day w.e.f. 1-1-83. If not then to what relief the workman concerned is entitled to?"

2. The case of the workman is that he was working of Khanan area from June 1980 to May 1982. The SECL offered to the workman appointment of Korba Area and offered to protect the pay of the workman for the present and as revised from time to time. On 7-4-1981, the workman was appointed as Drill operator Grade I. This pay was fixed at Rs. 25.45 per day. The workman protested about this fixation. The management protected the pay till NCWA-III was implemented. On implementation of NCWA-III, his pay should have been Rs. 39.03 per day but unfortunately it was fixed as Rs. 38.60. In NCWA-IV the applicant should have been fixed Rs. 40.79 per day. The management has not given the workman his dues in NCWA-III & IV. The workman prays that he be fixed correctly in NCWA-III & IV. The workman prays for payment of arrears as well.

3. The case of the management is that the workman joined this service from 9-6-93. He cannot get the basic pay from back date i.e. 1-1-83. The workman was given an offer of appointment in Cut. B in NCWA-II. He accepted the offer and joined. He was paid Rs. 30.65 per day from 9-6-1983. In NCWA III he was fixed at Rs. 39.03. In NCWA-IV, he was fixed at Rs. 68.81 per day from 1-1-87. The pay fixation of the workman has been correctly done and the case of the workman is not based on true facts and rules. The management seeks dismissal of this case.

4. The burden of proving the wrong fixation is on the workman. The workman has not filed any documentary or oral evidence to prove his contention. As stated by the management in their written statement particularly paragraph 4, 5 and 6, the fixation of the workman is correct and whatever is due to him has been paid to him. The basis of the claim of workman could not be established before the court. The workman has no case.

5. The award is given in favour of the management. Parties to bear their own costs.

6. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एन. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल.-22012/401/91-आई आर(सी-II)]

एस.एस. गुप्ता, अव्वर सचिव

New Delhi, the 19th November, 1999

S.O. 3585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabal-

pur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-11-99.

[No. L-22012/401/91-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/117/92

Shri D. N. Dixit,—Presiding Officer.

The Secretary,
Chhattisgarh Swatantra Mazdoor Union,
Baraduar,
Distt, Bilaspur.

.. Applicant.

Versus

The Dy. General Manager,
SECL, Rajgamar Colliery,
P.O. Rajgamar Colliery,
Distt Bilaspur.

.. Non-applicant.

AWARD

Delivered on this 24th day of September, 1999

1. The Government of India, Ministry of Labour vide order No. 22012/401/91/IR(C-II), dt. 18-6-92 has referred the following dispute for adjudication by this tribunal :—

“whether the action of the management of Rajgamar Colliery of SECL in terminating the services of Shri Shyam Lal, Loader is legal and justified? If not, what relief the concerned workman is entitled to?”

2. The admitted facts of the case are that the workman was working as a loader in the Rajgamar colliery of SECL. A chargesheet was given to him on 16-3-81 alleging that on 12-3-91, Shri S. P. Singh, Dy. Personal Manager of the colliery has reached near lamproom of 4 & 5 incline to provide all possible help in connection with the incident of Khol Behara. The workman and his two companion dragged Shri S. P. Singh into the mob and gave him a beating with Iron rod, Lathi and Belcha. The intention of this workman was to kill Shri S. P. Singh. He was saved because of the intervention of Shri P. N. Singh, Shri S. K. Poorty, Shri Karanjaunkar and Shri Rajaram. The workman initiated the mob and as a result, the mob looted the lamproom and caused damage to the property of SECL. A charge sheet was given to workman. The workman participated in denied these charges and a departmental enquiry was ordered by the management. The workman participated in the DE and he was assisted by a co-worker to defend him. Copies of documents were given to the workman and statements produced by him were recorded. The enquiry officer found the workman guilty and the disciplinary authority terminated the services of the workman from 25-6-91. The appeal of the workman has also been dismissed.

3. The case of the workman is that he has been falsely implicated and he did not commit any act of violence. He has not assaulted Shri S. P. Singh nor he has damaged the property of SECL. The procedure in the DE was faulty and irregular. He has not been given full opportunity to defend himself in the enquiry. The punishment given to him is disproportionate to the misconduct. The workman claims reinstatement from 25-6-91 and wages for this period.

4. The case of the management is that the workman deliberately and knowingly assaulted Shri S. P. Singh a senior officer of the management with intention to kill him. Further the workman destroyed the property of the SECL deliberately and knowingly. The two acts of the workman are cool and calculated and deliberate. The workman has been given full opportunity to defend himself in the enquiry. The co-worker of the workman cross examined the management witness at length. The workman has been given opportunity to examine defence witness and this workman has availed and produced witnesses. The findings of this Enquiry Officer are based on evidence on the report of the Enquiry. The Competent authority has terminated the services of the workman from 25-6-91. The punishment given to workman is in proportion to this misconduct committed by him. The management seeks that its actions be confirmed and punishment be maintained.

5. This court vide order dated 20-2-96 has held that the DE is fair, proper and legal. In the DE, the management has examined the following 4 witnesses :—

1. Shri S. P. Singh.
2. Shri S. K. Poorty.
3. Shri Karanj Gaunkar.
4. Shri P. N. Singh.

6. All these witnesses in their evidence in enquiry and cross-examination have confirmed the happenings of the complete incident with details. The management witness support the contention of Shri S. P. Singh that the workman and his 2 companions dragged him towards the mob. In this process, the workman hit the witness with Iron rod, stick and Belcha. The witness ran towards lamproom. The workman and his companion chased him but for the intervention of the management witness, the workman and his companion would have killed him. One of them threw an Iron weight on him. Shri S. P. Singh has stated that he was hurt in the left shoulder, chest, below right ear, head, back and right hand. This witness has emphatically said that the 2 companions of the workman had also hit him.

7. The statement given by Shri S. P. Singh is fully corroborated by other management witness Shri S. K. Poorty, Shri Karanjaunkar and Shri P. N. Singh. The statement of management witness does not suffer from the infirmity of contradiction. They support the contention of each other. The evidence led by the management inspires confidence.

8. The workman has examined 5 witnesses in defence. These witnesses have stated that they were not present when the incident took place. The state-

ment given by these witnesses is inconsistent. Thus the statement produced by the workman in the enquiry does not hold his contention.

9. The management proved that on 12-3-91, workman deliberately and knowingly assaulted his superior officer Shri S. P. Singh and tried to kill him. The workman further damaged the property of SECL deliberately. I agree with the findings of the DE officer.

10. The advocate for workman has argued that Ex. W.I settlement was in respect of this incident between management and the Union in this settlement. In para-5, it has been agreed that management will not victimise or dismiss the workman involved in the strike. Thus the present workman cannot be dismissed in view of the settlement dated 16-5-91. This argument is vehemently opposed by the management. According to them, the management has agreed not to victimise the workman involved in this strike. The present misconduct is not related to the strike. It is an individual misconduct committed with deliberation and knowledge of the consequences. According to management, there was no settlement about the criminal act of the workman.

11. In the case of East India Hotels Versus their workman reported in AIR 1974 Supreme Court 696 the Supreme Court has held that—

“When a proper enquiry has been held by an employer and the finding of misconduct has support from the evidence adduced at the said enquiry the Tribunal has no jurisdiction to sit in judgement over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the enquiry is unfair or the findings arrived at in the enquiry are perverse or have no basis in evidence or the management is guilty of victimisation, unfair labour practice or malafide or the punishment is harsh and oppressive. The tribunal cannot, reappraise the evidence and arrive at a conclusion different from that arrived at by the domestic tribunal”.

12. The Honourable Supreme Court of India in the case of Workman of Bharat Fritz Werner (P) Ltd. versus Bharat Fritz Werner (P) Ltd. and another reported in the AIR 1990 Supreme Court 5054 has held that the misconduct involving acts of threatening of highest executive with dire consequences, wrongfully confining him in his room and compelling him to withdraw certain notice or acts subversive of discipline. In such a case the reinstatement of the employees was not warranted.

13. The misconduct proved against the workman was that he was member of a mob which has collected due to the incident involving a loader. When Shri S. P. Singh Dy. Personal Manager of the colliery reached the spot, the workman dragged him towards the mob and in the process, hit him with a weapon which caused injury to Shri Singh. The atmosphere created on the spot was such that Shri S.P. Singh apprehended danger to his life and he ran towards lamp-room. Even the workman tried to hit him in the

lamproom Shri S. P. Singh was protected by the management witnesses. The workman has destroyed the property kept in the lamproom. Thus the workman has assaulted his superior officers without any provocation. The violence used by the workman was criminal and without provocation. This type of the Act is harmful to industrial atmosphere. The punishment of termination of service is adequate to the misconduct.

14. Taking guidance from the 2 above cited cases of the Supreme Court, I hold that termination of service of workman is justified. The award is given in favour of the management. Parties to bear their own cost.

15. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल-22012/402/91-आई आर (सी-II)]
एस.एस. गुप्ता, अव्वर सचिव

New Delhi, the 19th November, 1999

S.O. 3586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-11-99.

[No. L-22012/402/91-IR(C-II)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR (MP)

SHRI D. N. DIXIT, Presiding Officer

CASE NO. CGIT/LC/R/118/92

The Secretary,
Chattisgarh Swatantra Mazdoor
Union, Baraduar,
Distt. Bilaspur.

Applicant

Versus

The Dy. General Manager,
SECL, Raigamar Colliery,
Distt. Bilaspur

Non-applicant

AWARD

Delivered on this 24th day of September, 1999

1. The Government of India, Ministry of Labour vide order No. (ii) 1-22012/402/91-IR C-II dated 18-6-92 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Rajgamar Colliery of SECL in terminating the services of Shri Radneshyam Timber Mistry is legal and justified? If not, what relief the concerned workman is entitled to?”

2. The admitted facts of the case are that the workman was working as a timber mistry in the Rajgamar colliery of SECL. A charge sheet was given to him on 16-3-91 alleging that on 12-3-91, Shri S. P. Singh Dy. Personal Manager of the colliery has reached near lamproom of 4 & 5 incline to provide all possible help in connection with the incident of Khol Behara. The workman and his two companions dragged Shri S. P. Singh into the mob and gave him a beating with Iron rod, Lathi and Belcha. The intention of the workman was to kill Shri S. P. Singh. He was saved because of the intervention of Shri P. N. Singh, Shri S. K. Poorty, Shri Karanjgaonkar and Shri Rajaram. The workman instigated the mob and as a result, the mob looted the lamproom and caused damage to the property of SECL. A chargesheet was given to workman. The workman participated and denied these charges and a departmental enquiry was ordered by the management. The workman participated in the DE and he was assisted by a co-worker to defend him. Copies of documents were given to the workman and statements produced by him were recorded. The enquiry officer found the workman guilty and the disciplinary authority terminated the services of the workman from 25-6-91. Then appeal of the workman has also been dismissed.

3. The case of the workman is that he has been falsely implicated and he did not commit any act of violence. He has not assaulted Shri S. P. Singh nor he has damaged the property of SECL. The procedure in the DE was faulty and irregular. He has not been given full opportunity to defend himself in the enquiry. The punishment given to him is disproportionate to the misconduct. The workman claims reinstatement from 25-6-91 and wages for this period.

4. The case of the management is that the workman deliberately and knowingly assaulted Shri S. P. Singh a senior officer of the management with intention to kill him. Further, the workman destroyed the property of the SECL deliberately and knowingly. The two acts of the workman are cool and calculated and deliberate, the workman has been given full opportunity to defend himself in the enquiry. The co-worker of the workman cross examined the management witness at length. The workman has been given opportunity to examine defence witness and this workman has availed and produced witnesses. The findings of the Enquiry Officer are based on evidence on the report of the Enquiry. The Competent authority has terminated the services of the workman from 25-6-91. The punishment given to workman is in proportion to the misconduct committed by him. The management seeks that its actions be confirmed and punishment be maintained.

5. This court vide order dated 20-2-96 has held that the DE is fair, proper and legal. In the DE, the management has examined the following 4 witnesses—

1. Shri S. P. Singh
2. Shri S. K. Poorty
3. Shri Karanjgaunkar
4. Shri P. N. Singh

6. All these witnesses in their evidence in enquiry and cross examination have confirmed the happenings of the complete incident with details. The management witness support the contention of Shri S.P. Singh that the workman and his two companions dragged him towards the mob. In this process, the workman hit the witness with Iron rod, stick and Belcha. The witness ran towards lamproom. The workman and his companion would have killed him. One of them threw an Iron weight on him. Shri S. P. Singh has stated that he was hurt in the left shoulder, chest, below right ear, head, back and right hand. This witness has emphatically said that the two companions of the workman had also hit him.

7. The statement given by Shri S. P. Singh is fully corroborated by other management witness Shri S.K. Poorty, Shri Karanjgaunkar and Shri P. N. Singh. The statement of management witness doesnot suffer from the infirmity of contradiction. They support the contention of each other. The evidence led by the management inspires confidence.

8. The workman has examined 5 witnesses in defence. These witnesses have stated that they were not present when the incident took place. The statement given by these witnesses is inconsistent. Thus the statement produced by the workman in the enquiry doesnot hold his contention.

9. The management proved that on 12-3-91, workman deliberately and knowingly assaulted his superior officer Shri S. P. Singh and tried to kill him. The workman further damaged the property of SECL deliberately. I agree with the findings of the DE officer in his job.

10. The advocate for workman has argued that Ex. W.I settlement was in respect of this incident between management and the Union in this settlement, in para-5, it has been agreed that the management will not victimise or dismiss the workman involved in the strike. Thus the present workman cannot be dismissed in view of the settlement dated 16-5-91. This argument is vehemently opposed by the management. According to them, the management has agreed not to victimise the workman involved in this strike. The present misconduct is not related to the strike. It is an individual misconduct committed with deliberation and knowledge of the consequences. According to management, there was no settlement about the criminal act of the workman.

11. In the case of East India Hotels versus their workman reported in AIR 1974 Supreme Court 696 the Supreme Court has held that :—

“When a proper enquiry has been held by an employer and the finding of misconduct has support

from the evidence adduced at the said enquiry the Tribunal has no jurisdiction to sit in the judgment over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the enquiry is unfair or the findings arrived at in the enquiry are perverse or have no basis in evidence or the management is guilty of victimisation, unfair labour practice or malafide or the punishment is harsh and oppressive. The tribunal cannot, reappraise the evidence and arrive at a conclusion different from that arrived at by the domestic tribunal.

12. The Honourable Supreme Court of India in the case of workman of Bharat Fritz-Werner (P) Ltd. versus Bharat Fritz Werner (P) Ltd and another reported in AIR 1990 Supreme Court 5054 has held that the misconduct involving acts of threatening of highest executive with dire consequences, wrongfully confining him in his room and compelling him to withdraw certain notice or acts subversive of discipline. In such a case the reinstatement of the employees was not warranted.

13. The misconduct proved against the workman was that he was member of a mob which has collected due to the incident involving a loader. When Shri S. P. Singh Dy. Personal Manager of the colliery reached the spot, the workman dragged him towards the mob and in the process, hit him with a weapon which caused injury to Shri Singh. The atmosphere created on the spot was such that Shri S. P. Singh apprehended danger to his life and he ran towards lamproom. Even the workman tried to hit him in the lamproom Shri S. P. Singh was protected by the management witnesses. The workman has destroyed the property kept in this lamproom. Thus the workman has assaulted his superior officers without any provocation. The violence used by the workman was criminal and without provocation. This type of Act is harmful to industrial atmosphere. The punishment of termination of service adequate to the misconduct.

14. Taking guidance from the 2 above cited cases of the Supreme Court, I hold that termination of service of workman is justified. The award is given in favour of the management. Parties to bear their own cost.

15. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1999

का.प्र. 3587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, त्रिवेंद्रम के प्रबन्धसूत्र के संबद्ध नियोजकों और उनको कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, इडुक्की के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[संख्या एन-12012/336/98-आई आर (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 17th November, 1999

S.O. 3587.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Idukki as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India, Trivandrum and their workman, which was received by the Central Government on 17-11-1999.

[No. L-12012/336/98-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, IDUKKI

(Dated, this the 27th day of October, 1999)

PRESENT :

Shri P. V. Abraham, B.Sc., L.L.B.,
Industrial Tribunal,

Industrial Dispute No. 3 of 1999 (Central)

BETWEEN :

The Deputy General Manager,
State Bank of India,
Zonal Office, Region-1,
Thiruvananthapuram-695033. ... Management.

AND

Shri T. K. Saji,
Tharakanruparambil Veedu,
Kanchiyar, P.O.,
Pallikkavala, Kattappana Via,
Idukki Dt., Kerala. ... Workman.

REPRESENTATIVES :

1. Shri George Thomas, Advocate,
S.R.M. Road, Kochi-18. For Management.

2. Shri A. C. Devasia, Advocate,
Kattappana. For Workman

AWARD

The Government of India, as per Order No. L-12012/336/98/IR (B-I) dated 25-2-1999, referred this industrial dispute for adjudication to this Tribunal.

The issue referred for adjudication is the following :

"Whether the action of the management of State Bank of India, Zonal Office, Trivandrum, in terminating the service of Shri T. K. Shaji, temporary driver-cum-messenger in State Bank of India (ADB) branch, Kattappana with effect from 7-7-1997 is justified? If not, to what relief the workman is entitled?"

The workman has contented that he has been working at State Bank of India, Kattappana ADB from 1987 onwards and he was appointed as his name was sponsored by the Employment Exchange.

The workman received letter dated 30-6-1989 from the management directing him to appear for an interview on 10-7-1989 for appointment to the post of messenger and the workman attended that interview. Again as per letter dated 31-5-1991, the management directed the workman to appear for an interview cum driving test on 8-6-1991 for selection to the post of driver cum messenger. The workman attended that interview and he was selected by the management for permanent absorption and his name was included in the selected list published on 27-2-1992. Despite that, without assigning any reason and without issuing any notice, the management terminated the service of the workman with effect from 7-7-1997. According to the workman, after his interview and driving test held on 8-6-1991, he was selected and appointed on a permanent basis and his termination of service without notice and without paying any compensation is violative of chapter V-A of the Industrial Disputes Act and the same is illegal and unsustainable. The workman has further contented that he has been employed as driver and the jeep which he was driving has been kept idle after his termination of service. The workman has contented that he has more than one years' continuous service under the management and in the circumstance, he should have been paid retrenchment compensation and notice as contemplated under Section 25-F of the Industrial Disputes Act before his service was terminated with effect from 7-7-1997. In the circumstance, the workman seeks to pass an award holding that his termination of service is illegal and he is entitled for reinstatement with all benefits. The workman has also contented that he is entitled for permanent employment under the management.

The management has contented that due to exigencies of circumstance and on account of urgent needs, several branches of State Bank of India had to resort to engagement of temporary messengers etc. in leave vacancies purely as temporary measures. Such temporary employees were numerous and were demanding permanent employment. Their cause was expounded by State Bank of India Staff Federation and it was decided by the State Bank of India to enter into settlement with the said union. As per bipartite settlement dated 17-11-1987 the temporary employees were categorised as categories A, B and C. The temporary employees who had completed 240 days temporary service in 12 months or less after 1-7-1975 were categorised as category A. The temporary employees who had completed 270 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975 were categorised as category B and those who have completed a minimum of 30 days aggregate temporary service in any calendar year after 1-7-1975 or minimum of 70 days aggregate temporary service in any continuous block of 36 calendar months after 1-7-1975 were categorised as category C. It was also specifically agreed in that settlement that for the purpose of reckoning aggregate temporary service of 240, 270, 70 or 30 days as the case may be, the temporary service put in by a temporary employees at any of the office falling within the module concerned would be taken into account as one time measure. As per bipartite settlement dated 16-7-1988 it was agreed to substitute the period for being considered for permanent appointment in the

bank against the vacancies likely to arise from 1987 to 1992 in the place of 1987 to 1991 as contemplated under the first settlement dated 17-11-1987. There was another settlement dated 27-10-1988 in this regard. As per bipartite settlement dated 9-1-1991, it was agreed to consider the case of temporary employees in the vacancies likely to arise up to 1994. As per the conciliation settlement dated 9-6-1995 it was agreed that the panel of temporary employees would be kept alive up to March 1997 and the vacancies as existed up to 31-12-1994 would be filled. According to the management, the settlement dated 9-6-1995 is a conciliation settlement and as per Section 18(3) of the Industrial Disputes Act, that settlement is binding on all the workmen of the bank. In this regard there is another bipartite settlement dated 30-7-1996. According to the management, as provided in the settlements mentioned above, due process of selection was undertaken and a panel was prepared. The panel contained 223 candidates and the workman's position in that panel was 214th. The panel lapsed on 31-3-1997 as provided in the settlement. The local head office, Chennai which is the appropriate authority to sanction post of messengers, sanctioned 211 posts since the panel came into existence. As per Government of India directions given to public sector banks, 25 per cent of the messenger vacancies had to be filled up by conversion of eligible full time general attendants. After earmarking 25 per cent of posts for the full time general attendants, the remaining number of vacancies available was 160. Out of the same, 4 vacancies were reserved for candidates belonging to scheduled tribes. The remaining number of vacancies available for appointment from the select list was 156. Orders of appointments were issued to 156 persons from the select list. Some of the candidates did not join and hence the next persons in the rank list were offered appointments. Thus orders of appointments were issued up to rank number 169. Rank numbers 171 and 183 belonging to physically handicapped categories were appointed in the quota reserved for them. As per Clause 10 of the settlement dated 17-11-1987, if there were any future vacancies fresh employment should not be engaged and only the wait listed temporary employees alone were to be engaged. As the workman was wait listed as candidate number 214, he was engaged against the temporary vacancy in State Bank of India, Kattappana A.D.B.. According to the management, such engagement did not confer on him any right and hence the claim of the workman that he is eligible for permanent appointment is incorrect and invalid. The management has further contented that all the settlements mentioned above were entered into with the Federation and the workman has taken advantage of the settlement and have got empanelled for consideration. As such having taken advantage under the settlements, it is beyond his right in accordance with the principles of estoppel and otherwise to say that the panel should be kept alive even after 31-3-1997 and that he should be absorbed. The management has contented that the claim of the workman that since he was wait listed, he should be permanently absorbed is incorrect and invalid. If the wait list is for a specified period and if it lapses, the wait listed persons do not have any further right under the wait list.

The management has further contented that the vacancies at State Bank of India, Kattappana A.D.B., and Trivandrum were vacancies of messengers only with appropriate allowance for driving if found necessary. The vacancies have been filled from the panel referred to above. Hence there are no vacancies at State Bank of India, Kattappana A.D.B., and Trivandrum at present. The workman was sponsored by the Employment Exchange to fill up casual vacancy at State Bank of India, Kattappana A.D.B. This casual engagement does not confer on the workman any permanent right. The workman was called for interview along with others in terms of the obligation cast on the management under the settlement mentioned above. He was allowed to continue in temporary employment purely on casual basis in terms of the benefit accrued to him under the settlement. The workman could be engaged in the casual vacancy only because of the terms of the settlements mentioned above. But for the settlements, he would not have been allowed to work beyond the initial period of engagement. There is no illegal termination of the workman as alleged. As the workman was wait listed as candidate number 214, he was engaged against the temporary vacancy in State Bank of India, Kattappana A.D.B., as per clause 10 of the settlement dated 17-11-1987 and hence he is not entitled to be treated as on continuous service as contemplated under the Industrial Disputes Act. He cannot be allowed to continue in service. The rights of the workman, if any, are conditioned and qualified by the express terms of the settlements mentioned above. He cannot raise any separate claim under the provisions of the Industrial Disputes Act. He is not entitled to claim any benefit outside the settlement mentioned above. Since the workman was only a temporary employee, he is not entitled to be reinstated in service nor is he entitled to a declaration that he is entitled to permanent employment under the management. In the circumstance, the management seeks to pass an award holding that the workman is not entitled for any relief.

According to the workman, he was appointed as messenger cum driver during 1987 on a temporary basis and he had continued in service. He had attended interviews during 1989 and 1991 for selection to the post of messenger cum driver and he was selected and his name was included in the select list published on 27-2-1992. Afterwards he has been working on permanent basis in the post of messenger cum driver till his services were terminated on 7-7-97. However, according to the management, the workman was engaged intermittently on a temporary basis from 1987 onwards at State Bank of India, Kattappana A.D.B. as messenger cum driver as and when his services were required. On the basis of the terms of exhibits M2 to M7 settlements, a panel of temporary employees were prepared after subjecting them to interview and the workman's name was included in that panel as item number 214. However, only 169 persons could be appointed from that rank list on a permanent basis as only that much vacancy was available after earmarking the quota reserved for full time attendants, Scheduled Tribes and physically handicapped persons. According to the management, the workman could not be appointed on a permanent basis as his rank number was 214. The management

has further contented that as per the terms of exhibits M2 to M7 settlements, the panel of temporary messenger cum driver lapsed on 31-3-1997 and therefore, the workman is not entitled for appointment as messenger cum driver on a permanent basis. The workman who was examined as WW1 has admitted that he was employed only on a temporary basis. However, the case of the workman is that as he was subjected to interview and his name was included in the select list he should have been given appointment on a permanent basis. But mere inclusion of the name of a person in a select list will not confer him any right for appointment in the post to which he has been selected. As the management has not appointed the workman on a permanent basis in the post of messenger cum driver, I hold that the workman had continued only as a temporary hand till his services were terminated on 7-7-1997.

The workman has stated in his evidence that he had been employed as a driver on a temporary basis from 1987 onwards at State Bank of India, Kattappana A.D.B., and his services were terminated on 7-7-1997. He has also stated that at the time of termination of his service he was not paid any retrenchment compensation or notice pay. Exhibit W4 is a certificate issued by the Branch Manager, State Bank of India, Kattappana A.D.B., showing the dates on which the workman had worked at Kattappana Branch for the period from 26-10-1987 to 7-7-1997. On a perusal of exhibit W4, it can be seen that the workman has more than one years' continuous service as contemplated under Section 25-B of the Industrial Disputes Act. The management has not disputed the fact that State Bank of India, Kattappana A.D.B., is an industry as defined under Section 2(J) of the Industrial Disputes Act and the termination of service of the workman is retrenchment as defined under Section 2(00) of the Industrial Disputes Act. The only contention raised by the management is that the workman was allowed to continue as a temporary employee only because of Clause 10 of exhibit M2 settlement as his name was included in the select list for appointment to the post of messenger and in the circumstance, he cannot claim the benefits contemplated under Chapter V-A of the Industrial Disputes Act. On a perusal of Clause 10 of exhibit M2 settlement, it can be seen that only with respect to the engagement of sweepers and watch and ward staff are mentioned there in. That apart, exhibits M2 to M7 settlements do not say that the temporary employees are not entitled for the benefits provided under the Chapter V-A of the Industrial Disputes Act. Even if there is such a clause in a settlement, the same cannot take away the rights of a workman provided as per Section 25-F of the Industrial Disputes Act. Section 25-F(a) and (b) provides that no workman employed in any industry who has been in continuous service for not less than one year under and employer shall be retrenched by that employer until the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice and the workman has been paid at the time of retrenchment, compensation which shall be equal to 15 days average pay for every completed year of continuous service or any part thereof in excess of six months. On a

plain reading of Section 25-F(a) and (b), it is clear that the requirement prescribed by it is a condition precedent for the retrenchment of the workman and the failure to comply with the said provision renders the impugned orders invalid and inoperative. Admittedly the management has not complied with the conditions prescribed under Section 25-F of the Industrial Disputes Act at the time of the termination of the service of the workman. Therefore, the termination of the service of the workman is invalid and inoperative. Therefore, the workman is entitled for reinstatement in service to the post he was holding at the time of termination of his service with backwages and all other benefits.

In the result an award is passed holding that the workman is eligible for reinstatement in service with backwages and all other benefits.

P. V. ABRAHAM, Industrial Tribunal

APPENDIX

Witness examined on the side of the management :—

MW1 : Shri K. C. Kurian, S/o K.T. Chacko, Manager, State Bank of India, Kattappana A.D.B.,

Witness examined on the side of the workman :—

WW1 : Shri P. K. Shaji, S/o Kurunakaran, the concerned workman.

Documents marked on the side of the management :—

Exhibit M1 : Application dated 23-8-1998, submitted by the workman.

Exhibit M2 : Bipartite settlement, dated 17-11-1987 between the management and All India State Bank of India Staff Federation.

Exhibit M3 : Bipartite settlement, dated 27-10-1988 between the management and All India State Bank of India Staff Federation.

Exhibit M4 : Bipartite settlement, dated 27-10-1988 between the management and All India State Bank of India Staff Federation.

Exhibit M5 : Bipartite Settlement dated 9-1-1991 between the management and All India State Bank of India Staff Federation.

Exhibit M6 : Conciliation settlement dated 9-6-1995 between the management and All India State Bank of India Staff Federation.

Exhibit M7 : Conciliation settlement dated 9-6-1995 between the management and All India State Bank of India Staff Federation.

Documents marked on the side of the workman :—

Exhibit W1 : Letter dated 30-6-1989 from the personal officer State Bank of India, Personal Section, Regional Office, LMS compound, Trivandrum to the workman

Exhibit W2 : Letter dated 31-5-1991 from the State Bank of India, Personal Section, Regional office, LMS compound, Trivandrum to the workman.

Exhibit W3 : Memo dated 7-7-1997 issued by the Branch Manager, Kattappana A.D.B., to the workman.

Exhibit W4 : Certificate dated 12-8-1997 issued by the Branch Manager, State Bank of India, Kattappana A.D.B., to the workman.

Exhibit W5 : Certificate dated 11-8-1997 issued by the Branch Manager, State Bank of India, Kattappana A.D.B.,

Exhibit W6 : Staff circular No. 9 dated 30-3-79 issued by the General Manager (Operations) State Bank of India.

Exhibit W7 : Circular letter dated 5-7-1990 issued by the Deputy General Manager, State Bank of India.

Exhibit W8 : Transfer order dated 11-10-1994 issued by the branch manager, State Bank of India, Kattappana A.D.B. to Shri M.C. Varghese, driver cum messenger.

Exhibit W9 : Letter dated 31-5-1991 issued by the personal Officer, State Bank of India, Personal Section, Zonal Office, LMS compound, Trivandrum to the workman.

Exhibit W10 : Circular letter dated 5-7-1990 issued by the Deputy General Manager, State Bank of India.

Exhibit W11 : Select list dated 27-2-1992 for the appointment in the post of messengers issued by the State Bank of India.

Exhibit W12 : Photostate copy of the news paper publication dated 1-8-1998.

Exhibit W13 : Photostate copy of pages 259, 360, 361, 364, 366 and 367 of the reference book on staff matters issued by the State Bank of India.

नई दिल्ली 17 नवम्बर, 1999

का.या. 3588:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, भोपाल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीक्षण, जबलपुर के पंचाट को प्रकाशित करती है जो सरकार को 17-11-99 को प्राप्त हुआ था।

[संख्या एन-12012/484/98-आई आर (बी-1)]

जी. राय, ईस्क अधिकारी

New Delhi, the 17th November, 1999

S.O. 3588.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employment relation to the management of State Bank of India, Bhopal and their workman, which was received by the Central Government on 17-11-1999.

[No. 12012/484/98-IR(B-I)]
G. ROY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

CGIT/LC/R/141/99

Shri D. N. Dixit.—Presiding Officer.

Shri Prakash Chandra Balmukund.

.. Applicant.

Versus

State Bank of India,
Bhopal.

Non-applicant.

AWARD

Delivered on this 29th day of October, 1999.

1. The Government of India, Ministry of Labour vide order No. L-12012/484/98-IRB-I dt. 22-3-99 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Asstt. General Manager, State Bank of India Bhopal in not regularising Shri Prakash Chandra Balmukund is justified? If not, what relief the workman is entitled for?”

2. During hearing on 15-10-99, both the parties stated that the workman is being given the job. As the dispute has already been settled by both the parties outside the court. No Dispute Award is passed. Parties to bear their own cost.

3. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1999

का.आ. 3589 :—औद्योगिक विवाद, अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल रेलवे मुम्बई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-99 को प्राप्त हुआ था।

[सं. एल-41012/93/98-आई आर (बी-1)]
जी. राय, डेस्क अधिकारी

New Delhi, the 19th November, 1999

S.O. 3589.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway, Mumbai and their workman, which was received by the Central Government on 18-11-1999.

[No. L-41012/93/98-IR(B-I)]
G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

SHRI S. B. PANSE, Presiding Officer

REFERENCE NO. CGIT-2/22 Of 1999
Employers in relation to the management of Central
Railway.

The General Manager (P),
Central Railway,
Mumbai (CST),
Mumbai-1.

And

Their Workmen,
Madhya Rly. Karmachari Sangh,
The General Secretary,
M.R.K.S., 33, Mohti Bhavan,
Dr. D'Silva Road, Dadar,
Mumbai-28.

APPEARANCES :

For the Employer—Mr. Suresh Kumar, Advocate.

For the Workmen—Mr. M.B. Anchan, Advocate.

Mumbai, dated 26th October, 1999

AWARD

PART-I

The Government of India, Ministry of Labour, by its Order No. L-41012/93/98/IR(B-I), dated 22-01-1999, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the Management of Central Railway to remove the workman, Shri Rajan Bharat Mohalik from the services w.e.f. 13-12-95 is justifiable? If not, what relief the workman is entitled to?”

2. Ranjan Kumar Mohalik (herein after referred to as the workman) filed a statement of claim at Exhibit-4, through the Divisional Organising Secretary of Madhya Railway Karmachari Sangh. He was working as a sub-bungalow peon. He was giving a charge-sheet dated 23-4-92 for remaining absent unauthorisedly for the period between 15-10-90 to 31-12-90

and 31-3-92 till the issue of the chargesheet. The workman denied the charges. The workman contended that 10, the first period he was paid wages. He was not absent. So far as the second period is concerned it is asserted by him even though he was attending the bungalow of Shri S. N. Chakravorty he was not allowed to work there. Ultimately, the false chargesheet was issued to him.

3. The union pleaded that the domestic inquiry which was held against the workman was against the Principles of Natural Justice. The chargesheet which was issued to him was by P.A. and not by the disciplinary authority. It is averred that he was not given sufficient time to prepare for the domestic inquiry. It is submitted that the copies of the documents were not supplied to him. It is asserted that Chakravorty the main witness in the matter was not examined by the management. It is averred that the muster was maintained by the Administration of the peons working at bungalow and it was never ascertained regarding his presence. It is submitted that except the attendance registers no evidence was lead by the management and under such circumstances the inquiry which was held against him was against the Principles of Natural Justice. It is asserted that the findings of the inquiry officer are perverse and not based on the evidence before me. For all these reasons it is prayed that he may be reinstated in service on continuity and may be paid full back wages.

4. The management resisted the claim by the Written Statement (Ex-9). It is averred that the railway is not an industry. It is pleaded that the workman is a Civil Servant. His service conditions are governed by the statutory rules and regulations framed under Article 309 and 311 of the Constitution of India. He is not the workman within the meaning of section 2(s) of the Industrial Disputes Act of 1947 and as such the Tribunal had no jurisdiction to decide the reference. It is further pleaded that in view of the establishment of the Central Administrative Tribunals the remedy open to Mohalik is before that Tribunal and not before the Industrial Tribunal.

5. The management pleaded that the employee was appointed by the Assistant Personnel Officer Grade-B by order dated 10-5-89 w.e.f. 4-5-89. The order of removal dated 13-12-95 has been issued by the officer who was controlling officer and senior to the Appointing authority. At the relevant time the employee was working under his control. It is submitted that the inquiry was conducted as per the provisions of the railway servants (Disciplinary and Appeal Rules, 1968). The procedure laid down has been followed. It is asserted that the inquiry was as per the Principles of Natural Justice and there is no substance in the contention taken by the employee in respect of the inquiry. It is submitted that the findings of the inquiry officer are based on the evidence before him. It is averred that as such the employees are working at different places and different bungalows. P.A. CME is the senior scale officer. Therefore he was competent to issue chargesheet to the employee. It is averred that the P.A. to CME is competent authority under D&A rules 1968 to issue a penalty to remove him. It is denied that the findings are perverse. For all these reasons it is submitted

that the workman is not entitled to any of the reliefs as claimed.

6. The issues are framed at Exhibit-11. The issues Nos. 1 to 4 are treated as preliminary issues.

The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the railway is an industry ?	Yes
2. Whether the claim made by the workman falls under the Industrial Disputes Act of 1947 ?	Yes.
3. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice ?	Yes.
4. Whether the findings of the inquiry officer are perverse ?	Yes.

REASONS

7. To bolster up the case the union examined Rangan Kumar Monalik (Ex-6) the workman. The management had not lead any oral evidence. The parties relied upon the documents on the record.

8. Mr. Suresh Kumarm the Learned Advocate for the management argued that railway is not an industry. Further more the employee is a Civil Servant and his service conditions are governed by the statutory rules and regulations framed under Article 309 & 311 of the Constitution and he got remedy before the Administrative Tribunal and not before the Industrial Tribunal. He further submitted that he is not a workman within the meaning of section 2(s) of the Act. In short on these grounds it is tried to argue on behalf of the management that the Tribunal had no jurisdiction to decide the reference and the case of the workman does not fall under the Industrial Disputes Act of 1947.

9. As against this Mr. Anchan, the Learned Advocate for the union submitted that it is well established position of law that railway is an industry and the employee is a workman of the said industry. He argued that Civil servants are also governed by the provisions of the Industrial Disputes Act of 1947 as can be seen from Section 9A of the Act. It is therefore, the Tribunal has jurisdiction to decide the reference.

10. From the principles laid down in Bangalore Water supply case it is well settled position that Railway is an industry. There is no need to direct much over the proposition that railway is an industry under the Industrial Disputes Act of 1947.

11. It is tried to argue on behalf of the management that the employees working with the railway cannot be a workman within the meaning of section 2(s) of the Industrial Disputes Act of 1947. It is because their service conditions are governed by the rules framed under Article 309 of the constitution. To support this contentions the observations made by Their Lordships in Bangalore Water case were relied.

The observations, are constitutionally and competently enacted legislative provisions made will remove from the scope of the Act Categories which otherwise may be covered hereby. In any case it is open to parliament to make law which covers the said relations with its employees. Article 311 of the Constitution of India the statutory bodies made expressly employment and the statutory bodies made expressly or by necessary implication excluded the operation of the Industrial Disputes Act of 1947.

12. The Parliament had enacted Administrative Tribunals Act 1995. In view of the enactment it is tried to submit that the employees working in the railways even though the railway is an industry as they are governed by the rules framed under Article 309 of the Constitution are outside the scope of the Industrial Disputes Act.

13. In K. P. Gupta Vs. Controller Printing and Stationery 1995 Judgement Today (vii) Supreme Court 522 the point came for consideration "whether the jurisdiction of the authority to entertain and decide claim cases under section 15 of the Payment of Wages Act as effected by the establishment of Administrative Tribunals. The observations made there in clearly go to show that the argument advanced by the management is not tenable. It is observed by Their Lordships that the Administrative Tribunals have been constituted under the Act made by the parliament under Article 322(A) constitution for providing exclusive machinery, adjudication of a trial of disputes and on complaints with respect to recruitment and also conditions of recruitment of persons appointed to public service and posts so as to cut down the time spend by public servants in litigation in ordinary courts and to provide them relief at the hands of persons hearing and deciding service litigation exclusively. Their Lordships further observed that the reverting back to Section-14 made immediately, notice the striking feature that this section begins with the word saved as otherwise expressly provided in this Act which constitute the significant expressions is with purpose to constitute the saving clause. This expression is also been used in the opening part of sub-section (3) of Section 14. What is intended to be saved is indicated in section 28 which incidentally also purposes to exclude the jurisdiction of almost all the courts in service matters. Section 14 and Section 28 have therefore to be read together to find out the real intention of the legislature as to the extent of jurisdiction retained or excluded.

14. Their Lordships later on observed that 'the saving clause or the saving phrase (not in the sense of repels & savings decides jurisdiction into two clauses viz. jurisdiction which is transferred to and vested in the Tribunal and jurisdiction which is not transferred and is on the contrary saved). When the jurisdiction thus, became exerciseable by the Tribunal it was provided by section 28 that no court shall exercise the jurisdiction, powers and authority on and from the date from which such a jurisdiction, powers and authority becomes exerciseable by a Tribunal. It however, expects (a) the Supreme Court or (b) any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act of 1947 or any other corresponding law for the time being in force. It is therefore, apparent that inspite of Section

14 of the Act the jurisdiction of the Industrial Tribunal, labour courts and other authorities under the Act or authority created under any other corresponding law remains unaffected.

15. Their Lordships in paragraph 39 have observed that the Learned Counsel for the Respondent it is contended that since clause (b) of Section 2 have been deleted by the Act, 19 of 1986 and the Act has been made applicable to all persons employed in Industrial Establishment and factors to whom the Act has originally enacted did not apply and the jurisdiction of all courts has come to be vested in the Tribunal. They have observed that this contention has no substance. Their Lordships further stated that while deleting clause (B) from section 2 so as to make it applicable to the workman etc. the parliament by the same amending Act namely Act of 19 of 1986 introduce clauses (a) and (b) in Section 28 so as to preserve the jurisdiction of the Supreme Court, the labour courts, industrial Tribunals and as we have already found the authorities under the Payment of Wages Act which are further found to be corresponding law within the meaning of clause (b) of the Section 28.

16. By virtue of introducing of clauses (a) and (b) in Section 28 of Administrative Tribunals Act the jurisdiction of the authorities constituted under the Industrial Disputes Act in relation to recruitment and matter concerning recruitment is not excluded. Therefore, the contention of the Learned Counsel appearing on behalf of the management that the retention of clause (a) and (b) of clauses 28 has become reduction subsequent of the deletion of clause (b) of section 2 of the Administrative Tribunals Act is not tenable at all.

17. The Learned Advocate for the management tried to submit that the employee is not a workman within the meaning of section 2(s) of the Act. In view of the fact that the recruitment, conditions of service scale of pay and conduct rules which are applicable to Civil Servant are applicable to him and by necessary implication they did not belong to the category of workman attracting provisions of the Industrial Disputes Act. This argument of the Learned Counsel is not applicable in view of the Gupta's case which I have referred, to above. That Judgment makes it abundantly clear that Section 14 & Section 28 of the Administrative Tribunal Act have to be read together to find out the real intend of legislature as to extent of the jurisdiction retained or excluded.

18. The management had not lead any oral evidence or produced any documentary evidence, to show that the employee is not a workman within the meaning of section 2(s) of the Act. Further more in view of the above said discussion I find that there is no merit in the contention of the management that he is not a workman. The claim of the employee namely Mohalik is that his termination is unjustified in view of the fact that the inquiry which was held against him is against the Principles of Natural Justice and the findings of the inquiry officer are perverse. I therefore, find that the claim which is made by the employee falls under the perview of Industrial Disputes Act.

19. Mohalik the workman affirmed that he was not given sufficient time to prepare in the inquiry. He

was not given the copies of the attendance register and leave record. He was cross examined by the inquiry officer. He affirmed that the management had not examined Chakravorty who did not allow him to perform his duties nor his Personnel Secretary or assistant. Thus, he was denied the opportunity to defend properly. In the cross examination he accepts that in the inquiry he and his representative were present, who was given full opportunity to cross examine the management witness and to lead evidence on his side. Now, it is to be seen what is deposed by Mohalik the workman is contrary to the documentary evidence. Admittedly after receipt of the chargesheet (Ex-5/1) he replied the same (Ex-5/2) and denied the charges. The workman had given the application (Exhibit-5/4) dated 12-5-1992 for examination of the documents. They relate to his leave account and muster roll for the relevant period. If these documents would have been given to him as alleged there was no question of his asking for inspection of those documents. It can be further seen that there is no cross examination that on the point that he was supplied with those documents. I, therefore, find that he must not have been supplied with the documents on which the management relied. It adversely affected to defend his case.

20. Exhibit 5/6 is the inquiry proceedings. After perusal of the inquiry proceeding it reveals that Mohalik's statement was recorded on 30-5-92 and as affirmed by him he was thoroughly cross examined by the inquiry officer. It can be further seen that in the inquiry report (Ex. 10/8; pg 16 to 18) the inquiry officer had referred to the testimony of the workman only. After perusal of the inquiry proceedings which are produced at Exhibit 5/6 there is no depositions of any witnesses on behalf of the management. I, therefore, find that the question which was put to the workman that his representative and he was given full opportunity to cross examine the management witnesses is without any merit. He answered that question in the affirmative, that clearly suggests that he is illiterate. He does not understand the questions which are put to him. Therefore, it was necessary for the management to see that he is well protected which does not appear from the documents on the record.

21. From the testimony of the workman before the inquiry officer it reveals that time and again he was asked that the officer Mr. Chakravorty was not allowing him to do the job and he was unnecessarily marked absent. He has attending his bungalow. Therefore, it was necessary for the management to lead evidence before the inquiry officer to prove that what is stated by workman is incorrect. It can be further seen that the documents which are tried to be produced alongwith the chargesheet (Ex. 10/2) viz. the musters. There is nothing on the record to show that how these musters are said to be came in the custody of the inquiry officer. They have to be produced before him. The originals are required to be shown. Nothing of that kind has come before the inquiry officer. It can be further seen that when there is assertion on behalf of the workman that he was attending the bungalow of Chakravorty and he was not allowed to do the work and attendance is recorded in the office and not in the bungalow it was necessary to lead sufficient evidence to that effect. No such

evidence was lead. The reliance of the inquiry officer on those documents is not proper. I, therefore, find that the procedure which was followed by the inquiry officer is against the Principles of Natural Justice.

22. The inquiry officers report (Ex. 10/8) clearly go to show that his findings are perverse. He straight away relies upon the muster but does not state anywhere who produced it. He tried to rely upon the flaws in the Statement of workman before him. It appears that he acted as an advocate for the management than the inquiry officer. For all these reasons I find that the inquiry which was conducted against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The railway is an industry and the Tribunal has jurisdiction to decide the reference.

The inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.क्रा. 359 0:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिरिक्त, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-12012/270/98—आई आर (बी-II)]

सी. गंगाधरण, डैस्क अधिकारी

New Delhi, the 18th November, 1999

S.O. 3590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 17-11-99.

[No. L-12012/270/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 12 of 1999

PARTIES :

Employers in relation to the management of Central Bank of India.

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty .. Presiding
Officer

APPEARANCE:

On behalf of Management—Mr. Rahul Rao,
Deputy Chief Officer, Law of the Bank.

On behalf of Workman—None.

STATE : Sikkim INDUSTRY : Banking

AWARD

By Order No. L-12012/270/98/IR(B-II) dated 20-4-1999 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Central Bank of India in dismissing the service of St. Jikme Lachenpa, Daftari without notice w.e.f. 12-10-1996 is just and fair? If not, to what relief the concerned workman is entitled?”

2. When the case is called out today, management is represented by its representative, but neither the workman nor any one appears on his behalf, nor any step is taken on his behalf inspite of service of notice upon him. It appears from the record that no step was also taken on behalf of the workman since the receipt of the present reference by the Tribunal. In the said circumstances, it is clear that the workman is no longer interested to proceed any further in the matter.

3. So, in the absence of any material what-so-ever for decision in respect of the schedule under reference, this Tribunal has no other alternative but to pass a “No Dispute” Award for disposing of the present reference.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

This is my award.

Dated, Calcutta,

The 11th November, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.प्र. 3591 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार इंडियन बैंक के प्रबंधसंज्ञ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रका-

शित करती है जो केन्द्रीय सरकार को 16-11-99 को प्राप्त हुआ था ।

[सं. एल-12012/285/98-आई आर (बी-II/डीII(ए))
सी. गंगाधरण, अवसर सचिव

New Delhi, the 18th November, 1999

S.O. 3591.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 16-11-99.

[No. L-12012/285/98-IR(B-II)/DII(A)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU CHENNAI

Friday, the 22nd day of October, 1999

PRESENT:

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial
Tribunal.
Industrial Dispute No. 87 of 1999

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Indian, Bank Zonal Office, Trichy.).

BETWEEN

The workmen represented by
The General Secretary,
Indian Bank Employees' Association,
No 9, Ameerjan Street, Choolaimedu,
Chennai-94.

AND

The Zonal Manager,
Indian Bank, Zonal Office,
Trichy.

REFERENCE:

Order No. L-12012/285/98/IR(B-II), Ministry of
Labour, dated 13-5-1999, Government of
India, New Delhi.

This dispute coming on this day or final disposal in the presence of Thiruvalargal Aiyar and Dolia, R. Arumugam and N. Krishnakumar, advocates appearing for the management upon perusing the reference and other connected papers on record and the workman being absent, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

Whether the demand of the Indian Bank Employees Association for regularisation of the

services of Sh. S. Sethuraman, temporary Messenger of Indian Bank is justified? If not, to what relief is he entitled to?"

Petitioner already served. Petitioner called absent. Dismissed for default.

Dated, this 22nd day of October, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 18 नवम्बर, 1999

का.प्र. 3592:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधसंज्ञ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-99 को प्राप्त हुआ था।

[सं. एल-12011/13/95-आई.प्रार. (बी-11)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 18th November, 1999

S.O. 3592.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 16-11-99.

[No. 12011/13/95-IR(B-II)]

C. GANGADHARAN, Under Secy.
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 10 of 1996

PARTIES:

Employers in relation to the management of
Bank of Baroda

AND

Their workmen.

Present :

Mr. Justice A. K. Chakravarty . . Presiding
Officer

APPEARANCE:

On behalf of Management—Mr. R. Kannan,
Senior Manager (Personnel) with
Mr. Jovdeep Dutta Roy, Personnel Officer
of the Bank.

On behalf of Workmen—Mr. Ashes Chatterjee,
Joint Secretary of the Union.

STAFF: West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12011/13/95 IR(B-II) dated 30th April, 1996 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the demand of the Bank of Baroda Employees' Union (WB) Calcutta on the management of Bank of Baroda, Calcutta for payment of Rs. 410 to the computer operators for operating computers as per industry-level bipartite settlement dated 29-10-1993 in the respective identified branches at Calcutta is legal and justified? If so, what relief are such computer operations entitled to?"

2. Bank of Baroda Employees' Union, West Bengal (in short the union) has raised this industrial dispute alleging, inter alia, in its written statement that the Bank of Baroda (in short the Bank) installed computers at various branches of the Bank in West Bengal, particularly in the identified branches in the city of Calcutta. For operation of these computers the management of the Bank selected the operators from amongst the clerical workmen as per Bank level settlement dated 6-9-1989 between the Bank and All India Bank of Baroda Employees Federation. This settlement provided for terms and conditions for selection of such operators and payment of special allowance to them. After such selection, selected clerical workmen operated those installed computers at various identified branches in the city of Calcutta. It is further alleged that industry level bipartite settlement dated 29-10-1993 provided for payment of special allowance of Rs. 410 p.m. to such operators operating computers. The Bank is continuing to pay such operators special allowance at the rate of Rs. 350 per month which was fixed by the industry-wise settlement dated 29-3-1987, even though it was superseded by the industry-wise settlement dated 29-10-1993 which provided for payment of Rs. 410 per month as special allowance. The Bank is also alleged to be violating bank level settlement dated 6-9-1989 in the matter. The union has accordingly prayed for directing the management to pay computer operators special allowance at the rate of Rs. 410 per month from 29-10-1993 and all other consequential benefits.

3. The management of the Bank of Baroda filed a written statement denying the principal allegations of the union in its written statement. Its case, in short, is that it does not deny the provisions of the industry-wise settlement dated 29-10-1993 regarding special allowance of Rs. 410 p.m. to Computer Operators. It, however, states that the special allowance payable to ALPM operators having not undergone any change in the industry-wise settlement of 29-10-1993 the Bank is continuing payment of Rs. 350 as special allowance to the ALPM operators which the concerned workmen still are. The management denied that it has deprived the computer operators' allowance of Rs. 410 per month willfully and illegally. It is also alleged that the settlement dated 29-10-1993 does not speak of any provision of introduction of computer operator allowance, in lieu of or in supersession to existing ALPM operator allowance. The Bank has accordingly prayed for dismissal of the case of the union.

4. The union, in its rejoinder, has alleged that the Bank has installed computers for the first time in 1995 at the various branches in Calcutta and that the ALPM is an electronic ledger posting machine and not a computer. The union also reiterates its claim

of Rs. 410 per month as computer operator allowance for the employees working in the computers since the concerned workmen are operating computers and not the ALP machines.

5. Both side have produced some documents in support of their respective cases. In addition to the documentary evidence, the union has examined two witnesses while the management examined only one.

6. Heard Mr. Joydeep Dutta Roy, representative of the management and Mr. Ashes Chatterjee, Joint Secretary of the union as its representative.

7. The only point for consideration in this reference is whether a sum of Rs. 410 payable to the concerned workmen as special allowance for operating computers as per industry-wise bipartite settlement dated 29-10-93 instead of Rs. 350 as special allowance of ALPM operators. The management having admitted in its written statement that they are liable to pay the said amount to the computer operators as per the industry-wise bipartite settlement dated 29-10-1993, the Reference may be disposed of on that basis alone. That question, however, is not the point for consideration, as canvassed by the parties before this Tribunal during trial. The real question for consideration before this Tribunal is whether the ALPM Operators operating computers are entitled to get special allowance of Rs. 410 as payable to computer operators in terms of the industry-wise settlement of 1993. No Tribunal being legally entitled to enlarge the scope of reference, the Tribunal should refrain from considering any question not involved in the Reference either directly or indirectly. Even assuming that the Reference has been properly made the names of the persons concerned who are likely to be affected by any Award that may be passed in the matter having not been mentioned in the reference, there is serious infirmity in the Reference itself. The written statement filed by the union also has not disclosed the names of the persons who are likely to be affected in this matter. The Reference must be held to be bad for the aforesaid reasons.

8. Even in spite of the above finding that the Reference is bad, still then, the parties having adduced evidence in this matter. I believe that a decision in respect of the case as made out before this Tribunal, even though not in terms of Reference, should be made.

9. From the case made out by the union, it appears that upon installation of computers which started in 1995 at various branches of the Bank in Calcutta the management selected the operators from amongst the clerical workmen in terms of the Bank level settlement dated 6-9-1989. The bank-level settlement is produced and marked Ext. W-2 in this case. There is nothing in this bank-level settlement for selection of operators for operating computers. Item No. 2 of this settlement by its nomenclature shows that it is for the selection of ALPM/AEAM/Encoder and data entry operators—1989. The representative of the union tried to give the impression that there is hardly any difference between ALPM Operators and Computer Operators. From the evidence of the witnesses examined by the union that submission shall be found to be incorrect. WW-1 in his evidence stated that there are lots of difference between ALPM Machine and Computer. A Computer is much more sophisticated than a ALP Machine. He also admitted that

there is no post of computer operator in any of its branches of the Bank and that all the 36 persons for whom the case is filed are known as ALPM Operators. WW-2 in his evidence also stated that there is difference in the works of ALPM Operator and Computer Operator. MW-1 also in his evidence stated that ALP Machine can only perform ledger posting while computer can be used for other purposes also. Even the industry-wise settlement of 1993 (Ext. W-1), upon which the case of the union rests, differentiates between the ALPM operator and computer operators. The industry-wise settlement of 1993 has superseded all previous industry-wise bipartite settlements on computerisation and mechanisation. That, however, does not affect any subsisting bank-level agreements/settlements/understandings entered on computerisation and mechanisation between the concerned bank and their unions. I have already referred to the bank-level settlement of 1989 which provides for selection of ALPM/AEAM operators, their work, their selection process etc. From the industry-wise settlement of 1987, Ext. M-1 it will appear that the special allowance payable for operation of ALPM/AEAM shall be Rs. 350/- per month. The bank-level settlement dated 6-9-1989 does not change this position and confirms payment of Rs. 350/- per month in terms of industry-wise bipartite settlement of 1987. Industry-wise bipartite settlement of 1993, as stated above, has superseded all previous settlements, excepting the existing bank level settlements. Clause 12 of the memorandum of settlement of 1993 (Ext. W-1) has two paragraphs, the first one is in respect of installation of computers by replacement of ALPM or AEAMs. The second paragraph shows that existing permanent ALPM/AEAM operators shall have preference to be computer operators on upgradation subject to the rules prescribed for selection and posting of computer operators. It is further stated in clear terms that all existing permanent ALPM/AEAM operators shall continue to draw the present allowance. I have already referred to the evidence of WW-1 where he stated that all 36 persons for whom the case is filed are known as ALPM operators and that there is no post of computer operator.

10. It was submitted on behalf of the union that since all the ALPM Operators are working as Computer Operators, allowance of Rs. 410 per month should be paid to them. Admittedly, the post of ALPM operators have not been abolished. From the evidence of the witnesses mentioned above it will appear that the 36 involved persons are all ALPM operators. Computer operator is an upgraded post as per 1993 settlement. It is true that ALPM/AEAM operators shall have preference to be computer operators, but that will be subject to the rules prescribed for selection and posting of computer operators. There is no evidence that all the 36 persons for whom the dispute is raised is working on computers on selection. Even assuming that they are doing so, they being admittedly existing permanent ALPM operators, they shall continue to draw the present allowance as per settlement of 1993.

11. The representative of the union tried to submit that it is immaterial whether ALPM operators are upgraded as computer operators or not, but simply because of their working on computers which admittedly the bank is installing in various phases that they

will be entitled to get special allowance of Rs. 410 per month as per settlement of 1993. Mr. Dutta Roy on behalf of the management submitted that even though a computer might have been installed and one of the many functions of such computer being ledger posting and allied matters as done in ALP machine that they are not rendering any other work excepting ALPM operator and accordingly, no question of their claiming special allowance of computer operator can arise. I am not in a position to agree with the contention of the representative of the union in the matter. If any employee who is conversant with performance of only one of the many functions of any machine and if he continues to discharge such function even after the installation of such multipurpose machine, that shall not give rise to any claim because claim can arise only upon working on that machine in all its particulars and not for only one of such many functions. Then again, the terms of the second paragraph of Clause 12 of the settlement of 1993, which is binding on both the parties, has spell out in unequivocal terms that ALPM operators, which the claimants admittedly are, shall draw the existing special allowance.

12. The claim of the union for payment of special allowance of computer operator shall also not be justified as from the evidence mentioned above it will appear that computer was first installed only in 1995 and not before that and that too not in all the branches simultaneously.

13. It is true that from the circular issued to all branches of the Bank dated 9th November, 1998 (Ext. W-9) it will appear, to quote the relevant portion itself "in our aforesaid circular no. CO:BR:90 dated 27th May, 1998 we have mentioned regarding upgradation of the post of ALPM Operator to Computer Operator. The Bank will pay the enhanced special allowance of Rs. 410 p.m. to all the existing permanent ALPM Operators and, in this regard we are shortly issuing a circular, also advising you about the deployment of operators". This circular no doubt shows the intention of the bank to upgrade the post of ALPM operator to computer operator and payment of special allowance of Rs. 410 per month to all the existing permanent ALPM operators. It shows that the post of ALPM operator is yet to be upgraded as computer operator, but the Bank having agreed to pay enhanced special allowance of Rs. 410 per month to all the existing permanent ALPM operators, such ALPM operators will be entitled to get the said enhanced special allowance from the date of the issuance of the circular. But, as the union has not succeeded to justify its claim of payment of special allowance to the ALPM operators that I am to hold that the claim of the union for payment of Rs. 410 per month to the ALPM operators as special allowance is untenable and unjustified.

14. I have thus carefully considered the facts and circumstances of the case along with the evidence on record. The Reference itself being bad and the union's case being untenable and unjustified, no relief shall be available to the workmen.

15. The Reference is disposed of accordingly.
Dated, Calcutta,

The 9th November, 1999.

Sd/-

A. K. CHAKRAVARTY, Presiding Officer

3466 GI/99—12.

नई दिल्ली, 22 नवम्बर, 1999

का.धा. 3593.—औद्योगिक विवाद अधिनियम 1947 (1947 का. 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई नं. 2 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-99 को प्राप्त हुआ था।

[सं. एल-12012/59/98-आई.आर. (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 22nd November, 1999

S.O. 3593.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 19-11-99.

[No. L-12012/59/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. PANSE, Presiding Officer

REFERENCE NO. CGIT-2/9 OF 1999

Employers in relation to the management of Indian Overseas Bank

The Asstt. Gen. Manager,
Indian Overseas Bank,
Fort Branch, VI Floor 'E' Wing,
Cuffe Parade, Colaba,
Mumbai-400 005.

And

Their workmen,
Sh. Sanjay Vishnu Sawant,
Vishwanath Niwas,
Room No. 6, Maharashtra Nagar,
Bhandup,
Mumbai-400 078.

APPEARANCES :

For the Employer—Mr. A. D. Shetty & Mrs. P. S.
For the Workmen.—Mr. R. K.
Shetty, Advocates.

For the Workmen—Mr. R.K. Mendadkar, Advocate.

Mumbai, dated 22nd October, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/59/98/IR(B-II), dated 31-12-98, had referred to the following industrial dispute for adjudication :

“Whether the action of the management of Indian Overseas Bank in terminating the services of Sh. S. V. Sawant is legal and justified ? If not, to what relief the said workman is entitled ?”

2. Sanjay Vishnu Sawant (hereinafter referred to as the workman) filed a Statement of Claim at Exhibit-6. He contended that he was employed by the Assistant General Manager, Indian Overseas Bank, Fort Branch, Mumbai (hereinafter referred to as the management) in the post of cash peon and messenger in March, 1990. He was in continuous employment till his termination on 1st March 1992. He was attending permanent nature of work consisting of carrying cash boxes from various B.M.C. wards. It is averred that he was never informed that he has to work only for limited purposes and period.

3. The workman pleaded that he was regularly paid salary and allowances as applicable to the post. He was sincere in his duties. He never committed any misconduct. It is submitted that the action of the management terminating his services w.e.f. 2nd March 1992 without any order in writing is bad in law as it is violation of Articles 14, 16 & 21 of the Constitution of India.

4. The workman asserted that the action of the management in terminating his service amount to retrenchment within the meaning of section 2(oo) of the Industrial Disputes Act of 1947 (hereinafter referred to as the Act) since the statutory provisions as contained in section 25F of the Act have not been complied with by the management. Hence, the retrenchment is invalid. It is averred that the management practiced unfair labour practice. It is prayed that for all these reasons he may be reinstated in service with all consequential benefits on the basis that he is permanent workman, and entitled to all privilege from the date of joining the service of the management that is from 2nd March 1992. He is also entitled to receive compensation for his sufferings during the period of unemployment that was formed upon him by the management. He also prayed for the costs.

5. The management resisted the claim by the Written Statement (Ex-8). It is averred that the cause of action is beyond the jurisdiction of this Tribunal. It is pleaded that the workman was appointed on purely temporary basis for fixed/limited period as and when his services were required. His service being in terms of contract for a fixed/limited period the management is entitled to terminate his service after expiry of the stipulated period. It is averred that his case falls under section 2(oo)(bb) of the Act. The service of the workman were terminated on the expiry of the various fixed/stipulated periods when the specified work that is carrying cash or collecting boxes from various wards of Bombay Municipal Corporation was discontinued w.e.f. 28-2-1992. His services were dispensed with by

efflux of time stipulated for the scheme and not separate notice was necessary. It is asserted that except for the aforesaid duty he was not assigned any other permanent duties in the bank nor was he appointed in permanent post.

6. The management contended that the case of the workman falls within the provision of para 508 of the Shastri Award read with para 23.15 of the Desai Award. It is stated that the benefits of retrenchment compensation and preference over the person in re-employment will be available only to those temporary employees who are not engaged for specified limited period and/or for temporary increase in work covered under section 2(oo) (bb) of the Act.

7. The management pleaded that the Central Government had issued directions in respect of the recruitments of the permanent vacancies of sub-staff cadre. It is submitted that the workman was not recruited as per the recruitment policy. It is averred that there is no vacancy of sub-staff where the specific purpose for which they were engaged was over. It is averred that the reference is belated. For all these reasons it is submitted that the workman is not entitled to any reliefs as claimed.

8. The workman filed a Rejoinder at Exhibit-9. He reiterated the statement made in the claim and denied the contentions taken by the management in the written statement which are contrary to his claim. He prayed for the same reliefs.

9. The issues are framed at Exhibit-10. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the reference suffers from laches ?	No
2. Whether the termination of the workman is a non-renewal of a contract of employment and does not amount to retrenchment within the meaning of section 2(oo)(bb) of the I.D. Act ?	Yes
3. Whether the action of the management of Indian Overseas Bank in terminating the services of Shri S. V. Sawant is legal and justified ?	Yes
4. If not, what relief the workman is entitled to ?	Does not survive.

REASONS

10. Sanjay Sawant (Ex-11) affirms as per his Statement of Claim. After his termination he approached the Conciliation Officer. There the attitude of the management was rigid and unlawful. He send his negative report to the Ministry and on its basis the Central Government by its order dated 31-12-98 had send this reference for adjudication to this Tribunal. It is common knowledge that for all these process about two to three years are consumed unless there are extra ordinary circumstances. So far

as this contention of the workman is concerned there is no dispute. I therefore, find that the reference does not suffers from laches.

11. Sanjay Sawant (Ex-11) and V. C. Ramchandran (Ex-14) the Deputy Chief Officer (Industrial Relations Department) corroborates each other on the point that Sawant was paid wages in the scale of sub-staff from March, 1990 to 1st March 1992. According to Ramchandran he was paid on ad hoc basis and not on a particular scale. But the point is that in this period he was paid. Sawant affirms that he is in continuous employment during this period. Ramchandran had affirmed that Sawant had not worked continuous period for 240 days in a calendar year as contended by him. The best evidence is in possession of the management because they paid salary or wages to him. Naturally they must be having attendance record with them. As this is not produced there is no reason to disbelieve Sawant who deposed that he is in continuous employment in this period. That goes to show that he worked more than 240 days in a year next preceding his last working day.

12. It is tried to bring on the record that the payment which was made to Sawant was on ad hoc basis. But there is no clear cut mention whether this ad hoc payment was for working one day in a month or for particular days in month or for doing particular job in a month. I therefore, find that payment on ad-hoc basis even if it is said to be correct his continuous employment for more than 240 days in a year does not affect.

13. It is not in dispute that Sawant was not paid any retrenchment compensation. The case which is tried to be made out by Ramchandran is that Sawant was appointed for a work for carrying cash boxes from different wards of the Bombay Municipal Corporation on dally basis as and when required to do so. Sawant accepts that he was doing that work. He does not dispute the fact that, the work came to an end on 28-2-92. Ramchandran deposed that, as that work came to an end by afflux of time stipulated for the scheme, the service of the workman came to an end. Sawant tried to affirm that he was attending the work attached to the post inside the bank and also outside the bank since March 1990. The major part of the work exists. His cross-examination is very material. He was not given any appointment letter by the bank. He used to collect cash boxes from different wards of the Bombay Municipality. He accepts that he was never allotted any work as per job allocation. He had no document to show that he had carried out any other work in the bank than collecting the boxes. His appointment was not through recruitment board not his name was recommended through employment exchange. I therefore, find that the appointment of Sawant was for a fixed type of work i.e. collection of boxes from wards of B.M.C. under a particular scheme. As this scheme came to an end the appointment which was given to the workman came to an end.

14. It is common knowledge that in banks the sub-staff do work as per the allotment. They never do any additional work which is not allotted to them. It is therefore very difficult to accept the testimony of

Sawant that he was doing other work than collecting the boxes which is contradicted by Ramchandran.

15. Ramchandran deposed that the Branch Manager is not the authorised person to appoint the permanent sub-staff of the bank. The procedure of the recruitment in the sub-staff cadre of the bank is governed by the Bank guidelines issued from time to time and the Bipartite settlement between the bank and the union. The sub-staffs can be filled only from calling the list from the Employment Exchange confirming that the norms with the selection and appointment made as per the said procedure. The workman wants the back door entry to the employment which is not permissible.

16. Mr. Sawant, the Learned Advocate for the workman placed reliance on Punjab State Seeds Corporation Chandigarh Vs. Labour Court Jalandhar 1995 II CLR 895. That was a case wherein Their Lordships observed that the provisions of section 25F are to be complied in the case of retrenchment of a workman inspite of the fact that the workman is a permanent or a temporary or a casual or a daily wage earner. Status of the workman has not relevance in the context of applicability of section 25F. As the appointment of the workman was for a specified scheme the application of section 25F does not arise. The ratio in this authority has no application.

17. The Learned Advocate for the management placed reliance on State of Haryana and Ors Vs. Piara Singh & Ors 1993 II LLJ 933, Sumita Sarkar Vs. Principal Kalindi College and Anr. 1995 II CLR 764 and Ashwin Kumar Vs. State of Bihar 1997 II LLJ 856. All these cases deals with regularisation. These cases has no application to the set of facts before me as the reference does not refer to regularisation of the workman but it only states that whether the termination of Sawant is legal and justified. There is no need to discuss in detail these authorities. To sum up from the evidence it appears that even though there was no appointment letter nor termination letter to the workman he was appointed under the scheme viz. collecting the cash from BMC ward office in the bank. The scheme came to an end. Therefore, there was no work for allotment to him. There was non-renewal of the contract of employment which amounted to termination and it does not amount to retrenchment with the meaning of section 2(oo)(bb) of the Act. The action of the management is legal and justified. I record my findings on the issues accordingly and pass the following order :—

ORDER

The action of the management of Indian Overseas Bank in terminating the services of Sh. S. V. Sawant is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.का. 3594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इन्हन बॉटलिंग प्लांट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-99 को प्राप्त हुआ था।

[सं. एल-30011/9/92-आई आर (एम)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 18th November, 1999

S.O. 3594.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indane Bottling Plant and their workman, which was received by the Central Government on 17-11-99.

[No. L-30011/9/92-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA :

BHUBANESWAR :

PRESENT :

Sri H. Mohapatra, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 18 of 1993 (Central)

Dated, Bhubaneswar, the 6th November, 1999.

BETWEEN :

The management of Indane Bottling Plant represented through Sri S. N. Nanda, Handling Contractor of the Bottling Plant, Balasore.
First Party-management.

AND

Their workmen represented through Indane Bottling Plant Shramik Congress, Balasore.
Second Party-workmen.

APPEARANCES :

For the First Party-management—None.

For the Second Party-Workmen.—Sri Satyabadi Das—Advocate.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-30011/9/92-IR(Misc.) dt. 3-5-93 :—

“Whether the handling workers employed by Sri S. N. Nanda, Handling Contractor at Indian Oil Corpn. Bottling Plant, Balasore,

are entitled to benefits (as per Annexure) as paid at Haldia regarding wages, leave, washing allowance, house rent, canteen allowance, uniform and safety shoes as demanded by the union? If not, to what relief they are entitled to and from what date?”

2. The case of the second party representing 34 workmen, briefly stated, is that they were recruited through M/s. Balasore Chips and Metals Manufacturing Co. which is represented by the Managing Partner Sri S. N. Nanda who is engaged as contractor by the Indian Oil Corporation in the Bottling Plant at Balasore. The Plant is registered under the Factories Act and functions under the administrative control of the General Manager (Marketing), Indian Oil Corporation, Eastern Region, Calcutta. The members of the second party take up various works connected with the bottling of L.P.G. which is of perennial nature under the supervision and control of the contractor and the officials of Indane Bottling Plant ever since 1989. The workers were initially paid Rs. 400 per month which was raised to Rs. 650 per month and were allowed one day leave for every twenty days attendance. The Union of workmen represented by the Indane Bottling Plant Shramik Congress gathered information that in other Bottling Plants situated at Kalyani, Durgapur and Haldia the handling workers discharging similar duties engaged through contractors were being paid much higher wages and were being given large number of fringe benefits. The condition of Haldia Plant which is nearest to the Plant at Balasore merited comparison in the matter of pay structure and other benefits to be given to the workmen. Accordingly, the second party raised an industrial dispute demanding Rs. 1260 as monthly salary, 12 days of festival holidays, 10 days of sick leave, 10 days of casual leave and 20 days of earned leave in a year over and above demanding washing allowance @Rs. 25 per month, three pieces of Lifebuoy soap each month, house rent allowance @Rs. 100 per month, canteen allowance @Rs. 3 per day's attendance, a sum of Rs. 600 in a year for uniform and safety shoes and a sum of Rs. 30 per month as medical allowance. The dispute was conciliated upon by the Conciliation Officer-cum-Asst. Labour Commissioner (C), Bhubaneswar but no amicable settlement could be reached and hence the present reference.

3. Though M/s. Indian Oil Corporation, the principal employer was made a party in the reference as per order of the Hon'ble Court in O.J.C. No. 8970 of 1993 dtd. 24-10-94 the application of M/s. Indian Oil Corporation was allowed with a direction that the Corporation which is the principal employer should not be arrayed as a party to the industrial dispute in question. The handling contractor did not appear and contest the proceeding despite notice and thus he was set aside as per order dated 5-8-95.

4. In the hearing of the industrial dispute the second party examined one of the workman as W.W. No. 1 who stated that the Bottling Plant in question belongs to the Indian Oil Corporation and that some of the portions in the Plant are managed through contractors who ultimately work under the supervision of the principal employer. According to him,

the Plant in question employees 150 employees directly and 200 contract labourers. W.W. No. 1, who is the General Secretary of the Shramik Congress, the second party, proved the charter of demands presented in 1991 as Ext. 1 wherein the demands of the union were incorporated. He supported the case of the second party workman regarding parity of pay and other benefits at par with the employees of other Bottling Plants including that of Haldia where the same process of production and bottling is carried out. He supported the version of the workmen claiming enhancement of wages of Rs. 1260 per month and other benefits. Three copies of settlements reached on 6-8-91, 11-1-93 and 18-10-96 have been proved in support of the claim of the members of the second party. It is revealed in the copy of the tripartite settlement, marked Ext. 2 reached between the contractor and the workmen of the Bottling Plant at Haldia that the workmen were to get Rs. 1260 per month as their wages other than several other benefits including 12 days of festival holidays, 10 days of sick leave, 10 days of casual leave and 20 days of earned leave in a year. It was agreed in the said settlement arrived at between the contractor and the union that a sum of Rs. 25 per month shall be payable as washing allowance other than supply of three pieces of Lifebuoy soaps. House rent allowance was determined @Rs. 100 per month and canteen allowance @Rs. 3 per day's attendance. A sum of Rs. 600 would be payable every year on account of uniform and safety shoe and a sum of Rs. 30 towards medical allowance other than bonus. The instant claim made in the reference has striking parity with the wage structure, resolved as per the tripartite settlement marked Ext. 2. Copy of another tripartite settlement reached between the contractor and the union operating at Haldia Bottling Plant is proved as Ext. 3 which gave additional benefits to the workmen. The copy of the settlement marked Ext. 4 relating to the Haldia Plant's workmen arrived at on 18-10-96 during the pendency of the reference, reveals that an agreement was reached for payment of higher rates of consolidated monthly wages from Rs. 2007.50 to Rs. 2392.50 per month for different periods as indicated in the body of the settlement. House rent allowance and washing allowance and certain other fringe benefits have also undergone substantial rise in the said settlement. The claim of the second party-workmen that they are entitled to parity in matters of wages and other benefits is substantiated in the evidence of W.W. No. 1 and the series of documents produced as referred to hereinbefore. The determination of wages by way of adjudication is indeed delicate exercise. One of the factors for determination of wages is accepted to be region-cum-industry factor. Having in view the close proximity of Haldia to Balasore where the Plant situates and the fact that both the units are engaged in the same process of production and bottling of L. P. G., there is no reason why there should be such gulf of difference in wage structure and other benefits being given to the handling contract labourers. As a matter of fact having in view the subsequent increases in wages structure and fringe benefits claim pending adjudication appears fair and modest. In the facts and circumstances of the case the claim of the second party workmen merits peremptory consideration.

3466 GI/99—13.

5. Or the basis of the uncontroverted evidence, I am therefore inclined to hold that none of the demands of the workman is unfair or unreasonable. The capacity of the industry to bear the additional burden on account of revision of wages has to be presumed as it is primarily an industry floated in the public sector by the Government of India wherein principles of reasonableness and fair play in the matter of payment of wages to the workmen has to be of paramount consideration. Considering the claims made as per Ext. 1. I am inclined to hold that the members of the second party are entitled to wages at Rs. 1260 per month as claimed and other benefits as embodied in the charter of demands which includes leave, bonus, washing allowance, house rent allowance, canteen allowance, uniform and safety shoes and medical allowance. In other words, it is hereby ordered that the first party-management shall pay to the members of the second party wages @Rs. 1260 per month. It is further directed that the second party-workmen shall be entitled to 12 days of festival holidays, 10 days of sick leave, 10 days of casual leave and 20 days of earned leave every year. Bonus shall be payable @17 per cent per year besides the second party workmen shall be entitled to washing allowance @Rs. 25 per month over and above supply of three pieces of Lifebuoy soaps. They are further held entitled to house rent allowance @Rs. 100 per month, canteen allowance Rs. 3 per day's attendance and medical allowance @Rs. 30 per month. They are also entitled to Rs. 600 per year on account of uniforms and safety shoes and such other benefits as envisaged in Ext. 1, the charter of demands.

The reference is answered accordingly.

H. MOHAPATRA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.ग्रा. 3595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मरमगांव पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-99 को प्राप्त हुआ था।

[सं. एल-36012/3/98-आई आर (एम.)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 18th November, 1999

S.O. 3595.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Mumbai-II as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Marmugao Port Trust and their workman, which was received by the Central Government on 4-11-99.

[No. L-36012/3/98-JR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI Present :

Shri S. B. Panse, Presiding Officer.
Reference No. CGI-2/39 of 1999

Employers in relation to the management of
Marmugao Port Trust.

The Chairman,
Mormugao Harbour,
Goa-403 803.

AND

Their Workmen
The General Secretary,
The Marmugao Waterfront Workers Union,
Mukund Building, 2nd Floor,
P.O. Box No. 90,
VASCO DA GAMA,
GOA.

Appearances :

For the employer.—Mr. M. B. Anchan, Advocate.

For the workmen.—Mr. Jaiprakash Sawant,
Advocate.

Mumbai, dated 14th October, 1999

AWARD

The Government of India, Ministry of Labour by its Orders No. J 36012/3/98/IR(M), dtd. 5-2-99, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the Chief Engineer (Civil) Mormugao Port Trust, Goa in not paying the difference in wages and other legal dues to Shri Dilip Bhosale Head Clerk of Civil Engineering Department, for the period of his suspension from 19-3-1995 to 1-7-1997 consequent upon his acquittal by the Session Court, Marmugao and subsequent reinstatement in service by the management is legal justified ? If not, to what relief the workman is entitled to ?”

2. One Dilip P. Bhosale (herein after referred to as the workman) joined the service of Mormugao Port Trust (herein after referred to as the management) as a clerk in the year 1983. He was promoted as a head clerk in 1988.

3. One Ms. Abdulakshmi Subaya, who was working as a maid servant at the workmans resident gave a complaint to the police against him. On its basis the Harbour police registered an offence against him under section 324, 376 and 506 (2) of the Indian Penal Code. On its basis a criminal case bearing No. 15/96/B was filed in the Sessions Court. The Sessions Court acquitted the workman on 28-4-97.

4. After receipt of the information that the workman was in the police custody for more than 48 hours the Chief Engineers Office by its order dtd. 2-5-95 suspended him. After getting the acquittal from the Sessions Court the workman made representation to the management that his suspension may be revoked. The Chief Engineer revoked the suspension by his order dtd. 1-7-97. But he treated the suspension period as dies-non. These facts can be said to be admitted facts.

5. The workman in his Statement of Claim (Ex-6) contended that the order of the Chief Engineer treating the suspension period as dies-non and not paying him full wages and benefits for the period from 19-3-95 to 1-7-97 is illegal. He prayed for its payments.

6. The management by its written statement (Exhibit-8) resisted the claim. It is averred that the workman was acquitted on the benefit of doubt and there is no Hon'ble acquittal. It is therefore the Chief Engineer was right in treating the suspension period as dies-non. It is averred that the workman is not entitled to any reliefs as claimed.

7. The workman filed a Rejoinder at Exhibit-10. It is averred that after perusal of the Sessions Court Judgments it will be revealed that the acquittal is honourable. It is contended that under such circumstance he is entitled to full pay and allowances for the period of his suspension between 19-3-95 to 1-7-95. It is pleaded that the Competent Authority neither made a specific order at the time of his reinstatement regarding pay and allowances to be given to him and whether the period will be treated as a period spend on duty nor gave opportunity to show cause for this purpose before issuing any such order as was required to be issued under the service regulations. Non observance of service regulations by the management initiates the action. It is submitted that while passing the order the concerned authorities did not look into the whole Judgment of the Sessions Court. He reiterated the reliefs claimed in the claim.

8. I have framed issues at Exhibit-12. The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the action of the management in not paying the wages and other legal dues of the workman in the suspension period i.e., 19-3-95 to 1-7-97 is legal and justified ?	No.
2. If not, what relief the workman is entitled to?	As per order

REASONS

9. Dilip Bhosale (Ex-12) affirmed as per his Statement of Claim and referred to the documents which he produced alongwith Exhibit-7. There is no oral evidence on behalf of the management.

10. It is tried to argue on behalf of the management that as there was no Hon'ble acquittal the workman is not entitled to the claim which he made. Now it is to be seen whether there was Honourable acquittal or the workman was acquitted on the benefit of doubt. Exhibit-7/2 is the Sessions Courts Judgment. The final order speaks that "accused is given the benefit of doubt and is acquitted and directed to be set at liberty. The Muddemal shall be destroyed." Eventhough this order is there from the perusal of the whole Judgment it appears to me that the word 'benefit of doubt' is inadvertently used by the Learned Sessions Judge. It is because in the Judgment there is nothing to show that there is a whisper involving the workman in the said offence.

11. In paragraph-5 the Sessions Court has observed the victim girl herself had said that she was in no way sexually victimised except that she was given push by the accused as a result of which the nail in the door had caused her the injury. The Judge has further observed that she was not at all aware of the reasons why the accused was facing the trial nor had she in any manner even whispered of the allegation of having been raped in the knife point by him. She had in no way supported the complaint in this case which is in PW-1/A. He has observed that the accused was in no way implicated by PW-1 in the offence charged against him.

12. In paragraph 6, 7 & 8 of the Judgment the Sessions Judge had referred to the chemical examination. After detailed discussion of the semen, blood stains, the clothes he had come to the conclusion that the workman/the accused cannot be linked with those things. At the fag end of paragraph-8 he had observed that this part of the case of the prosecution giving a clean slate to the accused. On the basis of all these reasons which are given by the Learned Sessions Judge I find that it is a clear case of acquittal and there is nothing like of giving benefit of doubt to the accused/workman.

13. Now it is to be seen whether the management while passing the order had gone through the Sessions Court Judgment Exhibit-7/4 is the report of the Assistant Secretary and legal assistant to the higher authorities. They have only used the word of the Sessions Courts Judgment that the workman is given benefit of doubt. It is therefore his suspension period should be treated as dies-non. The legal assistant had observed that the Judge has acquitted Bhosale giving benefit of doubt and is not been honourably acquitted as such his suspension period is to be treated as dies-non.

14. The Chief Engineer had passed an order dtd. 1-7-97 (Ex-11/4). It deals with reinstatement of service of the workman and treating the period as dies-on. He had stated that his period of suspension is to be treated as dies-non and he will not be entitled for the balance wages of the suspension period. He had not given any reasons why he wants to treat that period as dies-non. It appears that he had not given any opportunity to the workman why this period is to be treated like this.

15. In Hafizuddin Inayatullah Kazi Vs. J. C. Aggarwal 1980 Bombay CR 984. Their Lordships observed that Honourable acquittal will depend upon facts and circumstances of each case. Relying on the ratio given in this authority and the reasons which I have already given above I find that the acquittal which was given to the workman is honourable acquittal.

16. The Learned Advocate for the management placed reliance on Management of R.B.I., New Delhi Vs. Bhopal Singh Pachal 1994 Supreme Court cases (L&S) 594. The facts of that case are quite different. There were rules of the R.B.I. Staff Regulations 94B concerning what and how the period of suspension is to be treated. So far as the present case is concerned it was repeatedly asked to the management that the provisions may be shown under which rules the action is taken. But no provisions was shown. The case on which the management relies was not honourable acquittal and therefore the workman was not entitled to the benefits. I have already discussed above that looking to the facts of the case which the Sessions Court had observed in his Judgment clearly go to show that the acquittal was Honourable and not on the ground of benefit of doubt. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The action of the management in not paying the difference in wages and other legal dues to Shri D'lip Bhosale, Head Clerk of Civil Engineering Department for the period of his suspension from 19-3-1995 to 1-7-1997 consequent upon his acquittal by the Sessions Court, Matmugao and subsequent reinstatement in service by the management is not legal and not justified.

The management is directed to treat him on duty, pay his full back wages, continuity of service and all consequential benefits.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.आ. 3596.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पोस्ट मास्टर, हैड पोस्ट आफिस, बीकानेर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-99 को प्राप्त हुआ था।

[सं. एल-40011/13/97—आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 18th November, 1999

S.O. 3596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master, Head Post Office, Bikaner and their workman, which

was received by the Central Government on the 18-12-1999.

[No. L-40011/13/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण, बीकानेर
केन्द्रीय औद्योगिक विवाद प्रसंग सं. 6 सन् 1998
श्री भैरव रतन पुत्र ईश्वरलाल, पोस्ट मैन मार्फत दी
जनरल मेक्रेडी, बीकानेर डिवीजन ट्रेड यूनियन काउन्सिल,
1-खजांची बिल्डिंग, बीकानेर

--प्रार्थी/ श्रमिक

बनाम

पोस्ट मास्टर, हेड पोस्ट आफिस, बीकानेर-334001

--अप्रार्थी-नियोजक

प्रसंग अन्तर्गत धारा 10 (1) (घ), औद्योगिक विवाद
अधिनियम 1947

न्यायाधीश--श्री के. एल. माथुर, आर. एच.
जे. एस.

उपस्थिति :--

1. श्रमिक/यूनियन की ओर से कोई हाजिर नहीं।
2. श्री मदनलाल एवं श्री नरेण श्रीमाली अधिवक्ता नियोजक की ओर से

दिनांक 31 अगस्त, 1999

अधिनिर्णय

श्रम मंत्रालय भारत सरकार ने "औद्योगिक विवाद अधिनियम 1947" जिसे आगे चल कर "अधिनियम" कहा जावेगा की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी आदेश क्रमांक एल--40011/13/97 आईआर(डीयू) दिनांक 16-4-1998 के द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद अधिनिर्णयार्थ इस अधिकरण में भेजा था :

"Whether the action of the Post Master, Head Post Office, Bikaner by stopping one increment for 2 years and 20 months vide his order no. L-2/16/91-92 dt. 30-7-1991 of workman Sh. Bheru Ratan. Postman is justified as no inquiry was conducted as per the principle of natural justice? If not to what relief the workman is entitled to?"

प्रसंग प्राप्त होने पर दर्ज रजिस्टर किया गया तथा दोनों पक्षों को नोटिस दिया गया। नोटिस की तामील होने के उपरान्त दोनों पक्षों ने उपस्थित होकर अपने-अपने अभिव्यक्ति प्रस्तुत किये।

3. श्रमिक जिस आगे चलकर "प्रार्थी" कहा जावेगा ने अपना स्टेटमेंट आफ क्लेम इस आण्ड के साथ पेश किया है कि उसकी प्रथम नियुक्ति पोस्टमैन के पद पर दिनांक

11-12-1971 को हुई थी तथा वह एक नियमित/ स्थाई कर्मचारी था एवं उसके सेवाकाल में विभाग व अप्रार्थीगण को कोई शिकायत नहीं थी। प्रार्थी को दिनांक 8-5-91 को एक आरोप-पत्र अप्रार्थी द्वारा दिया गया था जिसका उसने समुचित उत्तर दिनांक 1-7-91 को पेश कर दिया जिस पर नियोजक ने विधिवत कोई जांच नहीं की और प्रार्थी को अनुचित रूप से सजा दे दी और उसकी वेतन वृद्धि 34 माह के लिये रोकने का आदेश दे दिया फलस्वरूप प्रार्थी को आज तक तत्सम्बन्धी वेतन हानि हो रही है। प्रार्थी ने इस सजा के आदेश के विरुद्ध दिनांक 13-9-91 को अप्रीक्षक, डाक विभाग बीकानेर को अपील कर दी और अपील अधिकारी ने बिना पूरी सुनवाई किये अपील रद्द कर दी। अपील अधिकारी के इस आदेश के खिलाफ प्रार्थी ने विभागीय दूसरी अपील मेम्बर (पी) डाक सेवा बोर्ड, डाक भवन, नई दिल्ली को दिनांक 1-6-93 को कर दी जिस पर अपील अधिकारी ने भी बिना सुने व प्रार्थी को समुचित अवसर दिये बिना ही दिनांक 12-6-96 को खारिज कर दी जो कि अवैधानिक है। अप्रार्थीगण का उपरोक्त कृत्य डाक कर्मचारी सेवा नियमों एवं केन्द्रीय कर्मचारी सेवा नियम में के अन्तर्गत तथा अनुशासनात्मक कार्यवाही करने के नियमों के विरुद्ध होने से अनुचित एवं अवैधानिक कृत्य है। अप्रार्थीगण ने सी. सी. ए. नियम 1965 व तत्सम्बन्धी अन्य नियमों का उल्लंघन किया है एवं प्रार्थी को निर्दोष साबित करने का कोई समुचित अवसर नहीं दिया है और विधिवत विभागीय जांच नहीं की और बिना पूर्ण सुनवाई के उक्त सजात्मक आदेश जारी कर दिया जो पूर्णतया अनुचित एवं अवैधानिक है। अप्रार्थीगण का उपरोक्त कृत्य अनुचित एवं अवैधानिक होने से निरस्त करने योग्य है तथा प्रार्थी पूर्ण अनुतोष पाने का अधिकारी है। प्रार्थी के विरुद्ध जारी सजात्मक आदेश निरस्त किया जाये तथा उसकी रोकड़ी गई 2 साल व 10 माह की वार्षिक वेतन वृद्धियां आदि जाकर सम्पूर्ण एरियर का पुगतान करावे व इस विवाद का सम्पूर्ण व्यय दिलावे।

4. अप्रार्थी ने जवाब प्रस्तुत करके क्लेम प्रार्थना पत्र के तथ्यों का विरोध किया है। अप्रार्थी ने अपने जवाब में कहा है कि प्रार्थी भैरवरतन की प्रथम नियुक्ति ग्रुप डी श्रेणी कर्मचारी पद पर दिनांक 11-12-71 को हुई थी और पोस्टमैन के पद पर नियुक्ति दिनांक 11-8-77 से हुई थी। प्रार्थी भैरवरतन ने अन्य पोस्टमैनों से मिलकर पवनपुरी पोस्टमैन स्टाफ के साथ सरकारी कार्य में बाधा डाली और स्टाफ को बाहर निकलने के लिये कहा और धमकी दी, लाईट कनेक्शन काट दिया साईकलें पंक्चर कर दी, टायर ब्लेड से काट दिये। इस अनुशासनहीनता पर भैरवरतन को पोस्टमास्टर, बीकानेर ने आरोप पत्र केन्द्रीय सिविल सेवा नियमावली 1965 के नियम 16 के अन्तर्गत दिया तथा 10 दिन के भीतर

अपना अभ्यावेदन प्रस्तुत करने को कहा गया एवं स्पष्ट कर दिया गया था कि अभ्यावेदन करने में अमान्य रहता है तो एकपक्षीय आदेश पारित कर दिये जावेंगे। इस पर भैरतन ने कुछ दस्तावेजों का निरीक्षण करने की मांग की और से मौका दिया गया और श्री भैरतन ने उक्त दस्तावेजों का निरीक्षण भी कर लिया लेकिन बर्जित निरीक्षण के उसने इस बाबत कोई निश्चित प्रमाण पत्र नहीं दिया और अनुशासनहीनता का परिचय दिया जिस पर पोस्ट मास्टर बीकानेर ने अपने ज्ञापन सं. आई 2—16 91-92 दिनांक 30-7-91 द्वारा श्री भैरतन की वार्षिक वेतन वृद्धि को 2 वर्ष 10 माह तक बिना संवयी प्रभाव के रोकने का दंडादेश दिया। यह दंडादेश वैधानिक नियमावली केन्द्रीय सिविल सेवा (वर्गीकरण नियंत्रण व अपील) नियमावली 1965 के नियम 16 के अन्तर्गत दिया गया था। इस दंडादेश के विरुद्ध प्रार्थी ने अपील की थी जिसे अधीक्षक डाक्टर बीकानेर ने अपने ज्ञापन सं. बी 2-1/बी आर पोस्टमैन 91-92 दिनांक 9-4-92 खारिज कर दी। प्रार्थी द्वारा इस अपील के आदेश के खिलाफ अपनी पिटीशन मेम्बर पी डाक सेवा बोर्ड नई दिल्ली को भेजा जाता है मगर उक्त पिटीशन कार्यालय में नहीं पहुँची और उक्त आदेश के खिलाफ एक पिटीशन 1-12-94 को मेम्बर पी पोस्टल सर्विस बोर्ड नई दिल्ली के नाम प्रस्तुत की थी जो कि दिनांक 12-6-96 को अस्वीकार कर दी गई। श्री भैरतन के विरुद्ध विभागीय नियमावली का उल्लंघन नहीं किया गया है और यह कार्यवाही पूर्णतया वैधानिक थी और उसके विरुद्ध दंडादेश निरस्त किये जाने योग्य नहीं है और ना ही कोई अनुतोष पाने का अधिकारी होता है। आगे विशेष कथन में नियोजक के प्रार्थी के केन्द्रीय सरकार के कर्मचारी होने के प्रार्थी पर केन्द्रीय सरकार के केन्द्रीय सेवा नियम गवर्न होने है इसलिये केन्द्रीय प्रशासनिक अधिकरण ही सुनवाई कर सकता है और यह मामला क्षेत्राधिकार का नहीं है। अप्रार्थीगण का पोस्ट-ऑफिस विभाग "उद्योग" की श्रेणी में भी नहीं आता है। इस कारण भी खारिज किये जाने योग्य है। आगे अप्रार्थी ने अपने विशेष कथन में यह भी कहा है कि यदि दंडादेश या जांच कार्यवाही में कोई त्रुटि पाई जाती है तो अप्रार्थी विभाग न्यायालय द्वारा जांच कार्यवाही करने की प्रार्थना करता है। एवं प्रार्थना की प्रार्थी का विवाद खारिज फरमाया जावे।

5. आज यह पक्षवाली दोनों पक्षों द्वारा दस्तावेज पेश करने हेतु नियत थी लेकिन श्रमिक या उसकी यूनियन की ओर से कोई हाजिर नहीं हुआ है ना ही न हाजिर होने आने का कोई कारण ही बतलाया गया है। ऐसा प्रकट होता है कि प्रार्थी/यूनियन पक्ष अपने इस विवाद में कोई कार्यवाही नहीं कराना चाहते हैं और दोनों पक्षों के मध्य "कोई विवाद नहीं" रहा है।

6. अतः केन्द्रीय सरकार द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए पक्षकारों के मध्य "कोई विवाद नहीं" का यह अवार्ड जारी किया जाता है।

उक्त अधिनियम अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को प्रकाशनार्थ भेजा जावे।

7. आज्ञा आज दिनांक 31-8-1999 को सरे इजलास लिखाई व सुनाई जाकर हस्ताक्षरित की गई।

के.एल.माथुर, न्यायाधीश

नई दिल्ली., 18 नवम्बर, 1999

का.आ. 3597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ जनरल मैनेजर, कलकत्ता टेलीफोन, कलकत्ता, के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-99 को प्राप्त हुआ था।

[सं.एल. 40012/24/99-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 18th November, 1999

S.O. 3597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief General Manager, Calcutta Telephone, Calcutta and their workman, which was received by the Central Government on 18-11-1999.

[No. L-40012/24/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 26 of 1999

PARTIES :

Employers in relation to the management of Calcutta Telephones

AND

Their workman.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer

New Delhi, the 18th November, 1999

APPEARANCE :

On behalf of Management : Mr. Tapas Chowdhury, Advocate.

On behalf of Workman : None.

STATE : West Bengal. INDUSTRY : Telephones.

AWARD

By Order No. I-40012/24/99-IR(DU) dated 21-7-1999 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Chief General Manager, Calcutta Telephone, Calcutta in retrenching Sh. Brojo Kishore Bahera, Casual Labour is legal & justified ? If not, to what relief the workman is entitled ?"

2. When the case is called out today, management is represented by its learned Advocate, Mr. Tapas Chowdhury. None appears on behalf of the workman in spite of service of notice upon him. Workman has neither taken any step, nor filed his written statement on two earlier occasions even though time was allowed suo moto by the Tribunal for filing written statement by him. In the aforesaid circumstances, it is clear that the workman is no longer interested to proceed with the matter any further.

3. So, in the absence of any material for decision in respect of the schedule under reference, this Tribunal has no other alternative but to dispose of the matter by passing a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

Dated, Calcutta,

The 4th November, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1999

का.ग्रा. 3598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंरण में, केन्द्रीय सरकार सेंट्रल होटिकल्चर एक्सपेरिमेंट स्टेशन, भुवनेश्वर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उड़ीसा, भुवनेश्वर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-99 को प्राप्त हुआ था।

[सं. एल-42012/85/97-आई आर (डी. यू.)

कुल्दीप राय वर्मा, डैस्क अधिकारी

S.O. 3598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Horticulture Experiment Station, Bhubaneswar and their workman, which was received by the Central Government on the 18-11-99.

[No. I-42012/85/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, ORISSA.
BHUBANESWAR

PRESENT :

Shri H. Mohapatra, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 32 of 98 (Central)

Dated, Bhubaneswar, the 2nd day of November, 99

BETWEEN :

The management of the Head,
Central Horticulture Experiment
Station, Chandrasekharpur, Phase-I,
Bhubaneswar. ... First Party
management.

AND

Shri B. K. Mallik,
At-Jadupur, Dist. Khurda,
Bhubaneswar-751007. ... Second Party
workman.

APPEARANCES :

NONE ... For both the parties.

AWARD

The Government of India, in the Ministry of Labour, in exercise of Powers U/s 10 (1) (d) & Section 10(2A) of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-42012/85/97-IR(DU) dated 28-5-98.

1. "Whether the action of management of Central Horticulture Experiment Station, Bhubaneswar in terminating Sh. B. K. Mallik, casual workman is legal and justified ? If not, what relief the workman is entitled to ?"
2. "Whether the action of management of Central Horticulture Experiment Station, Bhubaneswar in not paying the casual rate of wages to the semi-skilled casual labours is legal and justified ? If not, what relief the workman is entitled to ?"

2. The second party-workman as well as the representative of the management being present in the Court filed a memorandum of settlement and prayed to dispose of the case in terms of the settlement. The terms of the settlement were read over and explained to the parties and they admitted the same to be true and correct. The settlement appears to be fair and the same is recorded. An award is passed in terms of the settlement which shall form part of the Award.

H. MOHAPATRA, Presiding Officer

FORM NO-H

(See Rule 58)

(Form for memorandum of settlement)

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, GOUTAMNAGAR BHUBANESWAR

Name of the Party :

Head, Central Horticultural Experiment Station,
Aiginia (NH-5, Opp. Alugodom, Bhubaneswar.

... Management

Vrs.

Sri Bijaya Kumar Mallik,
At/Po-Jadupur, Bhubaneswar.

... Workman

Representing Employer :

Dr. Gourahari Naik, Scientist (SS), Central
Horticultural Experiment Station, Aiginia,
Bhubaneswar.

Representing Workman :

Sri Bijaya Kumar Mallik,
S/O. Bhajamana Mallik,
At/Po-Jadupur, P. S. Khandagiri,
Bhubaneswar, Dist. Khurda.

SHORT RECEIPTAL OF CASE '

I. The Govt. of India, Ministry of Labour, New Delhi has referred an Industrial dispute between Sri Bijaya Kumar Mallik Vrs, CHES, Bhubaneswar to The Presiding Officer, Industrial Tribunal, Bhubaneswar vide Office Order No. L-42012/85/97-IR(DU), dtd. 28-5-98 for adjudication in respect of the following matters :—

(i) "Whether the action of management of Central Horticultural Experiment Station, Bhubaneswar in terminating Sh. B. K. Mallik, Casual Workman is legal and justified ? If not, what relief the workman is entitled to ?"

(ii) "Whether the action of management of Central Horticultural Experiment Station, Bhubaneswar in not paying the casual rate of wages to the semi-skilled casual labours

is legal and justified. If not, what relief the workman is entitled to ?"

II. Industrial Tribunal, Bhubaneswar has registered it as I.D. Case No. 32/98 (Central) and send a notice to the Management, CHES, Bhubaneswar for appearing and comply the matter in accordance with law.

III. During pendency of the proceedings before the Hon'ble Industrial Tribunal, the parties have bilateral discussion between themselves and have settled the dispute outside the Court without any coercion or duress in the interest of industrial peace and harmony.

TERMS OF SETTLEMENT :

I. (i) It is agreed by both the parties that the workman will not insist upon the termination of his service as claimed by him in the order of reference and forgoes all monetary claim to that effect as he had already been given appointment on regular basis w.e.f. 15-9-97 as T-1 (Tractor Driver) in the pay scale of Rs. 975-25-1150-EB-30-1540 (Revised Scale of Rs. 3200-85-4900) vide formal appointment order No. 9-459(T)/93-Adm. 5806, Dt. 21-10-97.

(ii) It is agreed by both the parties that second party will not claim the wages as per the item No. (2) of the reference as there exist no dispute between the parties.

II. It is agreed by both the parties that they will approach before the Industrial Tribunal jointly to dispose of the Industrial Dispute Case No. 32/98 (Central) on the above terms and pray for an award in the terms of settlement.

Sd/-

(Bijaya Kumar Mallik)
Representing Workman

Sd/-

(Dr. O. P. Vijay)
Head, CHES, Bhubaneswar,
Management.

Sd/-

(Dr. Gourahari Naik)
Scientist (SS), CHES, Bhubaneswar.
Representing Employer.

WITNESS :

1. Sd/- (Dr. V. Sridhar)
Scientist CHES, Aiginia,
Bhubaneswar.

2. Sd/- (Bishnu Charan Patra)
CHES, Aiginia, Bhubaneswar.

